

**Act of the Slovak Republic on  
European Parliamentary Elections  
(No. 331/2003 in the Collection of Laws)  
as amended**

The National Council of the Slovak Republic has approved the Act as follows:

FIRST PART

PROVISIONS ON ELECTORAL FRANCHISE, TIMING OF ELECTIONS, ELECTORAL  
TERRITORY, POLLING DISTRICTS, ELECTORAL REGISTERS, ELECTORAL  
BODIES

Section 1

Introductory provisions

(1) Elections to the European Parliament on the territory of the Slovak Republic (hereinafter referred to as the “elections”) shall be conducted on the basis of a universal, equal, and direct electoral franchise, by means of secret ballot, and in accordance with the principle of proportional representation.

(2) Members of the European Parliament shall be elected for a term of five years that begins with the opening of the first European Parliamentary session convened after the elections.

Electoral franchise

Section 2

(1) A person shall be entitled to vote in the elections if he is a citizen of the Slovak Republic who is at least 18 years old on polling day and has permanent residence in the Slovak Republic, or if he is a citizens of another Member State of the European Union (hereinafter referred to as a “citizen of another Member State”) who is at least 18 years old on polling day and has permission to reside permanently in the Slovak Republic<sup>1</sup> (hereinafter referred to as an “elector”).

(2) A citizen of the Slovak Republic who is at least 18 years old on polling day and who does not have permanent residence in either the Slovak Republic or another Member State of the European Union shall be entitled to vote in the elections if he is in the Slovak Republic on polling day.

(3) The exercise of the electoral franchise shall be precluded by:

- a) restrictions on personal freedom legally imposed for the protection of public health,<sup>2</sup>
- b) the serving of a prison sentence,<sup>3</sup>
- c) deprivation of legal capacity.<sup>4</sup>

(4) A citizen of another Member State shall not be entitled to vote in the elections if he has been deprived of his electoral franchise in the Member State of the European Union of which he is a citizen.

5) A person shall be entitled to vote in only one Member State of the European Union for the same European Parliamentary elections.

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1 Section 34 of Act No. 48/2002 Coll. on the residence of aliens and consequential amendments thereof.

2 Section 12 and 51 of Act No. 355/2007 Coll. on the Protection, Support and Development of Public Health, and on Amendments and Supplements to Certain Acts.

3 Act No. 475/2005 Coll. on the Execution of the Punishment of Imprisonment and on Amendments and Supplements to Certain Acts as amended by Act No. 93/2008 Coll.

4 Sections 10 and 855 of the Civil Code.

### Section 3

- 1) A person elected a member of the European Parliament (hereinafter referred to as the “MEP”) must be:
  - a) a citizen of the Slovak Republic who is at least 21 years old on polling day, has permanent residence in the Slovak Republic, and is not precluded from exercising his electoral franchise pursuant to section 2 (3) b) and c), and
  - b) a citizen of another Member State who is at least 21 years old on polling day, has permission to reside permanently in the Slovak Republic, is not deprived of the right to stand for election in his home Member State of the European Union, and is not precluded from exercising his electoral franchise pursuant to 2 (3) b) and c).
- (2) A person shall be entitled to stand for election as an MEP in only one Member State of the European Union for the same European Parliamentary elections.

### Section 4

#### Timing of the elections

- (1) The Chairman of the National Council of the Slovak Republic shall call the elections and set their date on the basis of a decision of the Council of the Europe Union not later than 90 days before they are conducted. The calling of the elections shall be promulgated in the Collection of Laws of the Slovak Republic.<sup>5</sup> The announcement shall specify the number of MPs to be elected to the European Parliament in the territory of the Slovak Republic.
- (2) The elections in the whole of the Slovak Republic shall be conducted on one day, a Saturday.
- (3) The elections shall be conducted from 7 a.m. until 10 p.m.; however, where required by local conditions, the mayor of a village or town; or the mayor of a city district in the cases of the capital city of the Slovak Republic, Bratislava, and the city of Košice (hereinafter referred to as a „municipal mayor“) may set an earlier time for the start of polling.

### Section 5

#### Electoral territory

For the purpose of the elections, the Slovak Republic shall constitute a single electoral territory.

### Section 6

#### Polling districts

- (1) For the casting and counting of votes, polling districts shall be formed in municipalities, cities, and boroughs of the capital city Bratislava and the city Košice (hereinafter referred to as „municipalities“).
- (2) Polling districts and the polling station in each polling district shall be designated by the municipal mayor not later than 50 days before polling day.
- (3) A polling district shall include approximately one 1000 electors; however, independent polling districts where there are a minimum of 50 electors may be formed for remote parts of a municipality.
- 4) For persons who are resident in a health care facility, a social services facility or similar facility, or who are detained in a facility that is a police cell<sup>6</sup> or place of pre-

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<sup>5</sup> Section 1 (2) d) of Act No. 1/1993 Coll. on the Collection of Laws of the Slovak Republic.

<sup>6</sup> Section 42 of Act No. 171/1993 Coll. on the Police Force as amended.

trial custody, the polling district committee for the territory whereof such a facility is located shall ensure in co-operation with the head of the respective facility that such persons are given the opportunity to exercise their electoral franchise. Where such persons do not have a permanent residence in the district, they shall vote by means of a polling card if they so request it. Provisions for the issuance of polling cards shall be laid down in a special law.<sup>7</sup>

(5) Polling districts within a municipality shall be denoted by a continuous sequence of Arabic numerals. In the capital city Bratislava and the city Košice, polling districts within each borough shall be numbered in an independent sequence. A polling district shall be numbered even when it is the only one in a municipality.

## Section 7

### Electoral register for a polling district

- 1) The electoral register for a polling district (hereinafter referred to as the “electoral register”) shall be compiled by the municipality on the basis of its permanent electoral register.<sup>8</sup>
- 2) A citizen of another Member State who has permanent residence in a municipality may join the electoral register by submitting an application to the municipality not later than 40 days before polling day, or else his right to join the electoral register shall expire. The decision on inclusion in, or exclusion from, the electoral register shall be communicated to the applicant without delay.
- 3) A citizen of another Member State shall submit together with the application to join the electoral register a declaration stating: his nationality and the electoral territory of the Member State on whose electoral register he was most recently listed; that he has not been deprived of his electoral franchise in this Member State; that he shall vote only in the elections in the Slovak Republic; the number of his valid travel document; and his permanent residence in the Slovak Republic. The application to join the electoral register shall be submitted on a form issued by the Ministry of Interior of the Slovak Republic (hereinafter referred to as the “Ministry of Interior”). Such an elector shall remain on the electoral register until such time as he requests to be removed or until such time as he is removed by the municipality for no longer satisfying the requirements for exercising the right to vote.
- 4) Provisions for making objections to the electoral register are laid down in a special law.<sup>9</sup>
- 5) A municipality shall send a list of a citizens of another Member State on its electoral register to the Ministry of Interior not later than three days after the period pursuant to section 7 (2) has elapsed. The Ministry of Interior shall submit the list without delay to the Ministry of Foreign Affairs of the Slovak Republic (hereinafter referred to as the “Ministry of Foreign Affairs”), which without delay shall inform the respective Member States of the European Union of the inclusion of their citizens on an electoral register in the Slovak Republic. The Ministry of Interior shall at the same time report the inclusion of any Slovak citizen on an electoral register in another Member State of European Union.
- 6) On the basis of notification from the Ministry of Interior, a municipality shall remove from its electoral register any Slovak citizen who is included in the electoral register of another Member State of European Union.

<sup>7</sup> Section 9 of Act No. 333/2004 Coll. on Elections to the National Council of the Slovak Republic, as amended.

<sup>8</sup> Sections 4 - 6 of Act No. 333/2004 Coll.

<sup>9</sup> Section 7 of Act No. 333/2004 Coll.

- 7) A municipality shall submit to each polling district committee the electoral register in two counterpart copies not later than two hours before the start of polling.
- 8) Members of a precinct election committee shall be obliged to maintain secrecy with respect to personal data, which they process.<sup>9a</sup>

#### Electoral bodies

#### Section 8

#### General provisions

(1) The following electoral bodies shall be established for the election:

- a) a Central Electoral Committee,
- b) district electoral committees,
- c) polling district committees.

2) An elector may be a member of an electoral committee, but not a member of more than one electoral committee. A European Parliamentary candidate (hereinafter referred to as the “candidate”) may not be a member of an electoral committee.

(3) Electoral committees shall be made up of an equal number of representatives from each political party or political movement (hereinafter referred to as the “political party”), or electoral coalition of political parties (hereinafter referred to as the “coalition”), which submits a list of candidates. The first name, surname, and address of permanent residence of each candidate and his substitute shall be notified by the political party or coalition in a period pursuant to sections 10 (1), 11 (1), and 12 (1) to the person who will call the first meeting of the electoral committee. Such notification given after the legally stipulated period shall not be considered.

(4) Where a list of candidates is either not registered or is withdrawn by the political party or coalition, then the membership of the political party or coalition’s representatives on electoral committees shall expire.

(5) A person shall cease to be a member of an electoral committee from the day when the chairman of the electoral committee is notified in writing of either the cancellation of his membership of the political party or coalition that nominated him, or his resignation from the committee, or where he has not been sworn in after two meetings of the electoral committee. Where a person ceases to be a member of an electoral committee, the chairman of the committee shall summon his substitute.

(6) Each member of an electoral committee shall be sworn into his office with the following oath: “I promise on my honour that I shall carry out my office conscientiously and impartially and in accordance with the Constitution and laws of the Slovak Republic.” He shall be sworn in by the person who calls the meeting of the electoral committee, and he shall confirm the oath with his signature in writing.

7) An electoral committee shall have a quorum when more than half of its members are present. Approval of a resolution shall require a majority of votes of members present. Where the votes are equal the resolution shall be deemed rejected. Minutes of each meeting of an electoral committee shall be taken.

8) An electoral committee shall appoint a chairman and deputy chairman at its first meeting. The appointments shall be made by a drawing of lots, supervised by the electoral officer of the electoral committee.

9) For preparing the processing, and the processing, of the election results, the Statistical

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<sup>9a</sup> Section 18 of the Act No. 428/2002 Coll. on Personal Data Protection

Office of the Slovak Republic shall establish for the Central Electoral Committee and district electoral committees expert (summational) bodies. Members of expert (summational) bodies of electoral committees shall swear an oath in the form and manner stated in section 8 (6).

## Section 9

### Electoral officer of an electoral committee

(1) The electoral officer of an electoral committee shall ensure organisation and administration for the preparation and holding of its discussions, shall take part in meetings of the electoral committee, and shall have the role of an expert advisor to the electoral committee.

2) The electoral officer:

- a) of the Central Electoral Committee shall be appointed and recalled by the Government of the Slovak Republic,
- b) of a district electoral committee shall be appointed and recalled by the head of the District Office,
- c) of a polling district committee be appointed and recalled by the municipal mayor.

3) The electoral officer:

- a) of the Central Electoral Committee shall be appointed by the Government of the Slovak Republic not later than 70 days before polling day,
- b) of a district electoral committee shall be appointed by the head of the District Office not later than 50 days before polling day,
- c) of a polling district committee shall be appointed by the municipal mayor not later than 35 days before polling day.

(4) An electoral officer shall swear an oath in the form and manner stated in section 8 (6).

## Section 10

### Central Electoral Committee

(1) Each political party or coalition which submits a list of candidates shall inform the Prime Minister of the Slovak Republic not later than 65 days before polling day of its one member and substitute member of the Central Electoral Committee, including their first name, surname, and address of permanent residence.

2) The first meeting of the Central Electoral Committee shall be held not later than five days after the period stated in section 10 (1) and it shall be called by the Prime Minister of the Slovak Republic.

(3) The Central Electoral Committee shall:

- a) examine the lists of candidates and decide whether to register or not to register them,
- b) supervise the preparation of lower electoral committees in order to ensure the performance of tasks pursuant to this Act,
- c) rule on any complaint against the procedure of a district electoral committee,
- d) establish and verify the election results,
- e) make a record of the election results and submit it to the Chairman of the National Council of the Slovak Republic,
- f) issue each elected candidate with a certificate of election,
- g) announce the succession of a substitute
- h) submit electoral documents to the Ministry of Interior for safekeeping.

(4) To assist the Central Electoral Committee in the performance of its tasks, the Ministry of Interior shall set up an expert-administrative body.

Section 11  
District electoral committee

(1) Each political party or coalition which submits a list of candidates shall inform the head of a District Office not later than 45 days before polling day of its one member and substitute member of the district electoral committee, including their first name, surname, and address of permanent residence.

- 2) A district electoral committee must have at least five members. Where a district electoral committee established pursuant to section 11 (1) does not have the minimum number of members, or where the number of members falls to below five without the succession of a substitute, then the head of the District Office shall appoint the required number of members.
- 3) The first meeting of a district electoral committee shall be held not later than five days after the period stated in section 11 (1), and it shall be called by the head of the District Office.
- (4) A district electoral committee shall:
  - a) supervise the preparation of polling district committees in order to ensure the performance of tasks pursuant to this Act,
  - b) rule on any complaint against the procedure of a polling district committee,
  - c) oversee the processing of polling results in polling districts,
  - d) make a record of the process and results of polling in the district and submit it to the Central Electoral Committee without delay,
  - e) submit electoral documents to the District Office for safekeeping.
- 5) Territorial district of district electoral committee is conformable with territorial district of district office.

Section 12  
Polling district committee

- 1) Each political party or coalition which submits a list of candidates shall inform each municipal mayor not later than 30 days before polling day of its one member and substitute member of polling district committees, including their first name, surname, and address of permanent residence.
- (2) A polling district committee must have at least five members. Where a polling district committee established pursuant to section 12 (1) does not have the minimum number of members, or where the number of members falls to below five without the succession of a substitute, then the municipal mayor shall appoint the required number of members.
- 3) The first meeting of a polling district committee shall be held not later than seven days after the period stated in section 12 (1), and it shall be called by the municipal mayor.
- (4) A polling district committee shall:
  - a) ensure proper conduct of polling, and in particular supervise proper casting of ballot papers,
  - b) fill in the electoral register and accept polling cards,
  - c) evaluate the validity of ballot papers,
  - d) count votes, make a record of the process and result of polling in the polling district, and submit the record to the district electoral board,
  - e) submit electoral documents to the municipality for safekeeping.

## SECOND PART

### LISTS OF CANDIDATES, POLLING, ESTABLISHING ELECTION RESULTS

#### Section 13

##### Submitting lists of candidates

(1) The list of candidates of a political party, registered pursuant to a special law,<sup>10</sup> shall be delivered by a plenipotentiary in two authentic copies and in electronic form to the electoral officer of the Central Electoral Committee not later than 65 before polling day.

(2) Political parties may agree to submit a joint list of candidate and to form a coalition. The provisions of this Act that apply to a political party shall apply equally to a coalition unless stipulated otherwise.

3) A list of candidates shall include:

- a) the unabbreviated name of the political party or coalition,
- b) a list of candidates containing the name, surname, academic title, date of birth, occupation and permanent residence of each candidate.,
- c) the order of the candidates on the list of candidates denoted in Arabic numerals,
- d) the signature of a statutory representative of the political party and the stamp of the party; for a coalition, the list shall include the signature of a statutory representative of each party of the coalition and the stamp of each party,
- e) confirmation that the election deposit of 1,659 EUR (hereinafter referred to as an “the deposit”) has been paid,
- f) a declaration personally signed by each candidate on the list, in which either:
  - 1) a citizen of the Slovak Republic states his consent to his candidacy, that he has not consented to inclusion on the list of candidates of another political party or coalition, and that he is not aware of any preclusion to his eligibility,
  - 2) a citizen of another Member State states his nationality, that he consents to his candidacy, that he has not consented to inclusion on the list of candidates of another political party or coalition, that he is not aware of any preclusion to his eligibility, and that he is not standing as a candidate in the same European Parliamentary elections in another Member State; he shall submit at the same time an attestation in the Slovak language from the competent administrative authorities of his home Member State certifying that he has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities.

(4) A political party or coalition may not include more than as many candidates as are to be elected to the European Parliament for the Slovak Republic on its list of candidates.

(5) A political party or coalition may include its logo on the list of candidates.

(6) A political party or coalition shall pay the deposit no later than 65 days before the election day. The deposit shall be paid to a separate account, which shall be opened for this purpose by the Ministry of Interior. Upon request, the registrar of the Central Election Committee shall inform a political party or coalition, which wishes to submit a list of candidates, about the account number. Within one month after announcement of the election results, the Ministry of Interior shall return the paid deposit to a political party or coalition, if the list of candidates of the political party or coalition was not registered under Section 15 or if the political party or coalition obtained at least 2 per cent of the total number of the cast valid votes. Deposits, which are not returned, shall constitute an income of the State budget.

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<sup>10</sup> Act No. 85/2005 Coll. on Political Parties and Political Movements, as amended.

(7) In the annex to the list of candidates, a political party or coalition shall designate a plenipotentiary and his substitute and shall state their first name, surname, and address of permanent residence. Neither the plenipotentiary or his substitute may be a candidate. The acts of a plenipotentiary in electoral affairs shall be binding upon his political party or coalition. Where a plenipotentiary is replaced by his substitute, the political party shall inform the Central Electoral Committee.

(8) The electoral officer shall establish whether a submitted list of candidates fulfils the stated conditions. If it does not, he shall instruct the plenipotentiary of the political party or coalition to rectify the list within a period of three days.

(9) The submission of a list of candidates shall be confirmed by the electoral officer to the plenipotentiary of a party or coalition on the counterpart copy of the list. The electoral officer shall submit to the first meeting of the Central Electoral Committee lists of candidates for examination and registration.

#### Section 14

##### Examination of lists of candidates

- 1) The Central Electoral Committee shall begin to examine the submitted lists of candidates not later than 55 days before polling day.
- 2) The Central Electoral Committee shall examine the lists of candidates for their fulfilment of conditions pursuant to this Act, and it shall strike off candidates:
  - a) who do not fulfil the conditions stated in section 3 (1),
  - b) for whom there is not attached a declaration pursuant to section 13 (3) f) 1) or 2),
  - c) from the list of candidates to which there is not attached a declaration pursuant to section 13 (3) f) 1) or 2) where the candidate is named on a list of candidates of more political parties or coalitions; if a candidate signed a declaration for more lists of candidates, he shall be struck off all of them,
  - d) included on a list of candidates in another Member State of European Union,
  - e) included on the list of candidates in a position not pursuant to section 13 (4).

#### Section 15

##### Registering lists of candidates

(1) Lists of candidates which comply with this Act, including lists rectified pursuant to section 14 (2) shall be registered by the Central Electoral Committee not later than 45 days before polling day. Registration is a precondition for the production of ballot papers.

(2) The Central Electoral Committee shall not register lists of candidates which do not comply with this Act and which may not be rectified pursuant to section 14 (2).

(3) Not later than 24 hours after a decision is taken pursuant to section 15 (1) or (2), it shall be delivered to the respective political party or coalition by the electoral officer of the Central Election Committee.

(4) Regarding a decision of the Central Electoral Committee to register or not to register a list of candidates rectified pursuant to section 14 (2), the respective political party or coalition may appeal to the Supreme Court of the Slovak Republic for a ruling on the retention of a candidate on the list of candidates, on the registration of the list of candidates, or on the non-registration of the list of candidates.<sup>11</sup> The appeal must be filed not later than three days from when the Central Electoral Committee took the decision. The Supreme Court must rule on the appeal not later than five days from when it was filed. The ruling of the Supreme Court shall

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<sup>11</sup> Section 250za of the Civil Procedure Code.

not be subject to appeal.

(5) The Ministry of Interior shall send municipalities not later than 25 days before polling day a list of the candidates who are included on the registered lists of candidates. The municipalities shall ensure that the list is sent to all voters not later than 20 days before polling day.

(6) A list of Union citizens included on the registered lists of candidates shall be delivered by the Ministry of Interior to the Ministry of Foreign Affairs no later than 30 days before polling day for the purpose of informing the respective home Member States of European Union.

(7) Where a citizen of the Slovak Republic is standing as a candidate in another Member State of European Union, the Ministry of Interior shall inform the Ministry of Foreign Affairs on the basis of notification from the Member State of European Union and shall submit a list of such citizens to the Central Electoral Committee.

(8) Where the Central Electoral Committee discovers from the list pursuant to section 15 (7) that a registered candidate is also standing for election in another Member State of the European Union, it shall without delay publish this information at polling stations. The candidate shall remain on the ballot paper but shall not be considered in the allocation of seats.

## Section 16

### Withdrawing a list of candidates, resignation and withdrawal of a candidate

- 1) A political party or coalition may withdraw its list of candidates no later than 48 hours prior to the commencement of elections by means of notification in writing from its plenipotentiary.
- 2) A candidate may, no later than 48 hours prior to the commencement of elections, renounce their candidature in writing. The political party or coalition that has nominated a candidate may, no later than 48 hours prior to the commencement of elections, cancel that candidate's candidature.
- (3) The withdrawal of a list of candidates by a political party or coalition, or the resignation or withdrawal of a candidate may not be rescinded. Such information must be notified in writing to the chairman of the Central Electoral Committee, who shall ensure its publication.
- (4) Where a candidate resigned or was withdrawn from a registered list of candidates, he shall remain on the ballot paper but shall not be considered in the allocation of seats.

## Section 17

### Numbering lists of candidates

The list of candidates of each political party or coalition shall be assigned a number by the Central Electoral Committee through a drawing of lots. This shall take place no later than 40 days before polling day. For a list of candidates registered after the draw on the basis of a Supreme Court ruling, the Central Electoral Committee shall assign the number that comes after the highest number previously drawn. The Central Electoral Committee shall without delay notify the political parties or coalitions of the numbers of the list of candidates and shall ensure their publication.

## Section 18 Ballot papers

(1) A ballot paper shall be produced for each political party or coalition whose list of candidates was registered.

(2) The Ministry of Interior shall ensure the required number of ballot papers on the basis of the registered lists of candidates. On a ballot paper must be stated the drawn number of the list of candidates, the unabbreviated name of the political party or coalition, each candidate's first name, surname, academic title, age, employment and address of permanent residence. The order of candidates on the ballot paper shall be identical to that on the list of candidates. Where the logo of a political party or coalition is included on the list of candidates, it shall also be included on the ballot paper.

- 3) Ballot papers must be the same in the type and size of script and in the colour, quality, and dimensions of the paper. Ballot papers shall be produced with the stamp of the Ministry of Interior.
- 4) The Ministry of Interior shall send the ballot papers to municipal mayors, who shall ensure their delivery to polling district committees not later than polling day.
- 5) Electors shall receive the ballot papers at the polling station on polling day.
- 6) If a political party<sup>12</sup> is abolished, or if a list of candidates is revoked by a political party after the list has been registered, the ballots of that political party shall not be issued and, if they have already been issued, the election committees shall ensure that they are not handed out to electors in the polling rooms; if they have been already handed out, they shall not be taken into consideration when counting the ballots cast. The same shall apply if a candidate list is revoked by a coalition or if one of the political parties constituting the coalition is abolished.

## Section 19 Broadcasting political advertisements and placing election posters

- 1) For the broadcast of political advertisements of a political party or coalition running in the elections, Slovak Radio<sup>13</sup> and Slovak Television<sup>14</sup> shall allocate, and a broadcaster authorised to broadcast under a licence (hereinafter referred to as an "licensed broadcaster")<sup>15</sup> may allocate, not more than 30 minutes of broadcasting time, and altogether no more than five hours. The political party or coalition shall be responsible for the content of its broadcast. Slovak Radio, Slovak Television, or a licensed broadcaster shall ensure clear designation and separation of such a broadcast from other programmes by broadcasting an announcement that it is a paid political advertisement.
- 2) Broadcasting of political advertisements shall begin 21 days before polling day.
- 3) The costs of a political advertisement broadcast on Slovak Radio, Slovak Television, or a licensed broadcaster shall be met by the political party or coalition. Slovak Radio, Slovak Television and a licensed broadcaster shall ensure for all political parties and coalitions equal conditions for the purchase of broadcasting time, including equal price and payment conditions.

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<sup>12</sup> Section 13 - 16 Act No. 85/2005 Coll.

<sup>13</sup> Sec. 5, paragraph 1, letter i) of Act No. 619/2003 Coll. on the Slovak Radio, as amended.

<sup>14</sup> Sec. 5, paragraph 1, letter k) of Act No. 16/2004 Coll. on the Slovak Television, as amended.

<sup>15</sup> Section 2 (1) b) of Act No. 308/2000 Coll. on broadcasting and retransmission and on the amendment of Act No. 195/2000 Coll. on telecommunications.

- 4) News and journalistic programmes that are within the remit of programme services shall not be deemed political advertisements.<sup>16</sup> Slovak Radio, Slovak Television, and a licensed broadcaster shall ensure that news and journalistic programmes are balanced and impartial.
- 5) Apart from news or journalistic programmes pursuant to section 19 (4) and political advertisements pursuant to section 19 (1), broadcasts which could influence voting in the elections to the benefit or detriment of a running political party or coalition shall be forbidden during the time reserved for broadcasting of political advertisements.
- 6) For the infringement of rules on the broadcasting of political advertisements pursuant to this Act, sanctions shall be imposed pursuant to a special law<sup>17</sup>.
- 7) The placing of election posters and similar bearers of information in public places may begin 21 days before polling day and only in those places so designated by the municipality in a generally binding regulation. The designation of such a place must be made in accordance with principles of equality for running political parties or coalitions.
- 8) For 48 hours before the start of polling and on polling day, it shall be forbidden to broadcast or publish information about running political parties or coalitions, to their benefit or detriment, by word, writing, sound, or picture, though radio broadcast, television broadcast, or means of mass information, or at buildings where polling district committees are sitting and in the immediate vicinity thereof.
- 9) The publication on polling day of the results of opinion polls shall be forbidden.

## Section 20 Informing voters

A municipality shall designate the time and place for conducting the elections not later than 50 days before polling day. Where the territory of a municipality includes more than one polling district, the municipality shall determine which parts of the municipality are covered by a particular polling district. Not later than 20 days before polling day, a municipality shall send all electors included on the electoral register a notification stating the times of polling, the electoral district, and the polling station where the elector may vote; the notification shall also point out the obligation on electors to show their identity card before voting and the correct way to mark the ballot papers.

## Section 21 Preparations in polling stations

Before the start of polling, the chairman of a polling district committee shall inspect the ballot box and the portable ballot box in the presence of members of the committee, and shall then seal both ballot boxes. The chairman shall also inspect the polling station for whether it has two counterpart electoral registers, sufficient ballot papers, and sufficient non-transparent envelopes of the same size, quality and colour, which are stamped with the official stamp of the municipality (hereinafter referred to as an “envelope”). He shall then call the start of polling.

## Section 22

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<sup>16</sup> Section 3 letter e) of Act No. 308/2000 Coll.

<sup>17</sup> Section 16, and from Section 64 to 67 of Act No. 308/2000 Coll.

### Areas designated for marking ballot papers

- (1) The polling station shall be set out so as to guarantee secrecy of voting. An elector who has been given ballot papers shall go to a polling booth to mark them. The number of polling booths shall be determined by the municipality with regard to the number of electors in a polling district.
- (2) An elector shall be alone in the polling booth except for cases pursuant to section 23 (6).

### Section 23 Method of voting

- (1) An elector shall appear before the polling district committee in person and vote in person. The use of a proxy shall not be allowed. Members of the polling district committee must not mark an elector's ballot papers.
- (2) After entering the polling station, an elector shall prove his identity, and after being recorded present in both counterparts of the electoral register, he shall receive from the polling district committee an empty envelope and ballot papers. Should an elector fail to prove his/her identity, he/she shall not be allowed to vote.
- (3) An elector who appears at a polling station with a polling card shall be entered by the polling district committee into both counterpart copies of the electoral register. The entry shall be signed by the chairman and two members of committee. The committee shall then give the elector an empty envelope and ballot papers.
- (4) A citizen of the Slovak Republic who is at least 18 years old on polling day, who does not have permanent residence in the Slovak Republic and on the territory of other member State of the European Union, and who appears at the polling station on polling day shall be entered by the polling district committee in the electoral register for the polling district. A record of the entry shall be made in his Slovak travel document. Such entry in the electoral register shall be valid only for the period when the elections are conducted.
- (5) After an elector has received the envelope and ballot papers, he shall go to the polling booth. At the polling booth he shall place in the envelope one ballot paper. On the ballot paper which he places in the envelope he may circle the number of not more than two candidates to indicate to which candidate he gives preference. Other marks on the ballot paper shall not be considered.
- (6) An elector who is unable to mark the ballot paper owing to physical disability, or inability to read or write, shall have the right to take with him to the polling booth another elector, one who is not a member of the polling district committee, for the purpose of marking his ballot paper as he instructs and placing it in the envelope.
- (7) At the request of an elector, the polling district committee shall give him unmarked ballot papers in exchange for ballot papers incorrectly marked.
- (8) An elector shall cast his vote after leaving the polling booth by placing the envelope into the ballot box. If an elector does not enter this area, the polling district committee shall not allow him to vote.
- (9) An elector may for serious reasons, in particular of health, request the polling district committee to allow him to vote outside the polling station, but within the polling district whereof which the polling district committee was established. In such a case, the polling district committee shall despatch to the elector two of its members together with the portable ballot box, envelopes and ballot papers; the despatched members of the polling district committee shall ensure that secrecy of voting is maintained.

(10) An elector who is unable to place the envelope into the ballot box may request another elector, one who is not a member of the polling district committee, to do it for him in his presence.

#### Section 24 Suspension of polling

In the event of circumstances that prevent either the start, continuation, or end of polling, the polling district committee may either postpone the start of polling or extend the time for polling. However, the total time for polling (section 4 (3)) must not be shortened by such measures. The polling district committee shall inform electors of such measures in a way customary thereat. In the event that polling is suspended, the polling district committee shall seal the electoral documents and ballot boxes. For the resumption of polling, the chairman of the polling district committee shall open the unbroken seals in the presence of members of the committee. The circumstances which prevented the start, continuation, or end of polling shall be stated by the polling district committee in the record of the process and results of polling.

#### Section 25 End of polling

When the time set for the end of polling elapses, votes may still be cast only by electors who are inside or in front of the polling station. The polling station shall then be closed and the chairman of the polling district committee shall announce the end of polling.

#### Section 26 Order in the polling station

(1) Maintaining order in the polling station shall be the responsibility of the chairman of polling district committee, and in his absence the deputy chairman.

(2) Instructions issued by the chairman or deputy chairman of the polling district committee on maintaining order in the polling station and a dignified process of polling shall be binding on everyone present.

(3) Persons entitled to be present in the polling station shall include apart from members of the polling district committee, its electoral officer, members of higher electoral committees, members of the expert (summational) bodies of such committees, and electors, also persons who express interest in following the conduct of the elections and the counting of votes, and observers sent by international organisations. Such persons may be excluded from the polling station where their presence would pose a threat to public order or for reasons of space at the polling station.

(4) Electioneering at a polling station on behalf of any candidate shall be forbidden.

#### Section 27 Counting votes at a polling district committee

(1) After the end of polling, the chairman of the polling district committee shall ensure that the remaining and unused ballot papers and envelopes are sealed and then shall ensure that the ballot box is opened. Where a portable ballot box was used by the polling district committee at the request of electors, it shall be opened and its contents shall be mixed with the contents of the ballot box.

(2) The polling district committee shall take envelopes from the ballot boxes, count the envelopes, and compare their number with the record of the electoral register. The polling

district committee shall exclude from the counting any envelope which does not meet the conditions pursuant to section 21 and any ballot paper which is not inside an envelope.

(3) After taking the ballot papers from the envelopes, the polling district committee shall divide and count the ballot papers cast for individual parties or coalitions, shall exclude spoilt ballot papers, and shall establish how many electors of a political party used the right to cast a preferential vote. It shall count the preferential votes cast for individual candidates on the ballot papers.

#### Section 28 Evaluation of ballot papers

(1) Ballot papers shall be counted for a political party or coalition also when the name of a candidate has been crossed out, changed, or added. Such marks shall not be considered. Where an elector has marked the ballot paper for more than two candidates, the ballot paper shall be counted for the political party or coalition, but it shall not be considered for preferential votes.

(2) Where there is more than one ballot paper inside an envelope, all the ballot papers therein shall be invalid. A ballot paper shall be invalid also where it is not on the prescribed form or where it is for a party or coalition pursuant to section 18 (6).

(3) In the event of doubt over the validity of an envelope, ballot paper, or preferential vote, the polling district committee shall take a final decision on the validity.

#### Section 29 The record of a polling district committee on the process and result of polling in a polling district

- 1) A polling district committee shall make a record in two counterpart copies on the process and result of polling in the polling district. The record shall be signed by the chairman, members, and electoral officer of the committee. Where someone refuses to sign, his reasons for so doing shall be noted.
- 2) The record shall include:
  - a) the time of the start and end of polling, and of any suspension of polling,
  - b) the total number of people on the electoral register for the polling district,
  - c) the number of electors who received envelopes,
  - d) the number of submitted envelopes,
  - e) the number of valid votes cast for each political party or coalition,
  - f) the number of electors of a political party or coalition who used the right to cast a preferential vote,
  - g) the number of preferential votes cast for individual candidates of political parties or coalitions,
  - h) a summary of resolutions passed by the commission, together with a brief rationale of them.

#### Section 30 End of the activity of a polling district committee

(1) After the counting of votes and the signing of both copies of the record on the process and result of polling in the polling district, the chairman of the polling district committee shall announce the result of polling, shall submit without delay one copy of the record to the district electoral committee, and shall wait for the instruction of the district electoral committee on the end of the activity of the polling district committee.

(2) Where the chairman of a polling district committee is called by the district electoral committee to meet the obligations pursuant to section 30 (1) and he does not do so within 24 hours from the end of polling, the district electoral committee may submit the polling results from the other polling stations to the Central Electoral Committee.

(3) The polling district committee shall seal the submitted envelopes, ballot papers, and both counterpart copies of the electoral register, and shall submit them together with other electoral documents to the municipality for safekeeping.

### Section 31

#### Collection of polling results at a district electoral committee

A district electoral committee shall have its expert (summational) body verify the completeness of the record of each polling district committee on the process and result of polling in the polling district as submitted pursuant to section 30 (1). Persons entitled to be present for the verification shall include apart from members of the committee, also its electoral officer, members of its expert (summational) body, members of the Central Electoral Committee, members of its expert (summational) body, and anyone whose presence is permitted by the district electoral committee. Where the district electoral committee has doubts about the record, it shall be entitled to request clarification and other information from the polling district committee; where there are clear errors, the district electoral committee shall rectify them with the agreement of the chairman of the polling district committee, or else it shall request the polling district committee to rectify them.

### Section 32

#### The record of a district electoral committee on the process and result of polling in a polling district

(1) The district electoral committee shall make a record in two counterpart copies on the process and result of polling in the district. The record shall be signed by the chairman, members, and electoral officer of the committee. Where someone refuses to sign, his reasons for so doing shall be noted.

(2) The record shall include:

- a) the number of polling districts in the district and the number of polling district committees which delivered polling results,
- b) the total number of people on the electoral register for the district,
- c) the number of electors who received envelopes,
- d) the number of submitted envelopes,
- e) the number of valid votes cast for each political party or coalition,
- f) the number of electors of a political party or coalition who used the right to cast a preferential vote,
- g) the number of valid preferential votes cast for individual candidates of political parties or coalitions,
- h) a summary of resolutions passed by the committee along with brief rationales for each.

(3) After the signing of both copies of the record on the process and result of polling in the district, the chairman of the district electoral committee shall submit without delay one copy of the record to the Central Electoral Committee, and shall wait for the instruction of the Central Electoral Committee on the end of the activity of the district electoral committee. The district electoral committee shall submit the other copy of the record together with other

electoral documents to the District Office for safekeeping.

### Section 33 Conditions for allocating seats

(1) The Central Electoral Committee shall establish the total number of valid votes cast for each political party or coalition.

(2) The Central Electoral Committee shall establish which political parties or coalitions gained at least five percent of the total number of valid votes. Where a political party or coalition gained less than five percent of the valid votes, the valid votes which it gained shall not be considered in the subsequent establishing of the election results and the allocation of seats.

### Section 34 Allocation of seats

(1) The number of valid votes cast for political parties or coalitions qualifying for a further count under section 33 (2) shall be divided by the number of mandates increased by one. The resulting number rounded off to a whole number shall represent the republic electoral number.

(2) The total number of valid votes gained by a political party or coalition shall be divided by the republic electoral number, and the political party or coalition shall be allocated a number of seats equal to the number of times the republic electoral number divides into its sum of valid votes.

(3) Where this method results in the allocation of one seat more than should be allocated, the surplus seat shall be deducted from the political party or coalition which has the smallest remainder after the division of its total votes by the republic electoral number. Where the remainders are equal, the seat shall be deducted from the political party or coalition that gained the fewer votes. Where the number of votes is the same, the deduction shall be decided by a drawing of lots.

(4) Where this method results in not all seats being allocated, or where a political party or coalition does not have enough candidates for the seats it should be allocated, the Central Electoral Committee shall allocate such seats to the political parties or coalitions which have the largest remainder. Where the remainders are equal, the seats shall be allocated to the political party or coalition that gained the most votes. Where the number of votes is the same, the allocation shall be decided by a drawing of lots.

(5) Candidates shall receive the seats allocated to a political party or coalition on the basis of their position on the list of candidates of the political party or coalition. However, where at least one-tenth of the total number of electors who cast a valid vote for the political party or coalition used the right to cast a preferential vote, the first candidate to receive a seat shall be he who received preferential votes totalling at least ten percent of the total number of valid votes. In the event that a political party or coalition is allocated more seats and has more candidates that fulfil the condition stated in the aforementioned sentence, the candidates shall receive seats on the basis of their number of preferential votes. In the event that candidates have the same number of preferential votes, they shall receive seats on the basis of their position on the list of candidates.

(6) Candidates who do not receive a seat shall become substitutes.

### Section 35

## Record of the Central Electoral Committee on the election results and publication of the election results

(1) The Central Electoral, after allocating seats, shall produce a record of the election result. The record shall be signed by the chairman, members, and electoral officer of the committee. Where someone refuses to sign, his reasons for so doing shall be noted.

(2) The record shall include:

- a) the total number of people on the electoral registers,
- b) the total number of electors who received envelopes,
- c) the number of valid ballots cast for each political party and coalition,
- d) the first name and surname of each candidate who was elected, together with information on the results of preferential voting, as well as the first name and surname of each candidate who became a substitute.

(3) The Central Election Committee shall publish the overall election result only after termination of the elections in the member State of the European Union, whose electors cast votes as the last.

(4) The Central Electoral Committee shall submit the record on the election results to the Chairman of the National Council of the Slovak Republic, who shall submit them to the European Parliament.

## Section 36 Certificate of election

The Central Electoral Committee shall issue each candidate elected as an MEP with a certificate of election.

## Section 36a New elections

The Chairman of the National Council of the Slovak Republic shall by this authority announce new elections within 30 days from the receipt of a finding by the Constitutional Court of the Slovak Republic invalidating elections to the European Parliament.

## Section 37 Succession of substitutes

(1) Where a European Parliamentary seat becomes vacant during an electoral period, it shall be filled by a substitute from, and designated by, the political party or coalition to which the seat belongs. However, where the list of candidates of such a political party or coalition includes valid preferential votes, the seat shall be filled by the candidate who received the required number of preferential votes pursuant to section 34 (5).

(2) Where there is no substitute from the political party or coalition, the seat shall remain vacant until the end of the electoral period.

(3) Where the political party no longer exists,<sup>12</sup> the seat shall not be filled by a substitute and shall remain vacant until the end of the electoral period.

- 4) The Central Electoral Committee shall announce the succession of a substitute not later than fifteen days after notifying the European Parliament that the seat has become vacant. A substitute shall be issued with a certificate stating from which day he fills the seat. The succession of a substitute or non-filling of a seat shall be

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<sup>12</sup> Section 13 - 16 Act No. 85/2005 Coll.

notified by the Central Electoral Committee to the Chairman of the National Council of the Slovak Republic without delay.

(5) Not later than fifteen days after being notified by the Central Electoral Committee of the succession of a substitute or non-filling of a seat, the Chairman of the National Council of the Slovak Republic shall inform the European Parliament.

### THIRD PART COMMON, TRANSITIONAL, AND FINAL PROVISIONS

#### Section 38 Provision of auxiliary resources

(1) All auxiliary resources, in particular the polling station and its equipment, as well as auxiliary workers shall be provided for a polling district committee by the municipality whereof they are established.

(2) For each district electoral committee, all auxiliary resources and auxiliary workers shall be provided by the District Office, and for the Central Electoral Committee, they shall be provided by the Ministry of Interior.

#### Section 39 Co-operation with public authorities

Public authorities shall be obliged to co-operate in the implementation of this Act.

#### Section 40 Providing for processing of election results by means of computer equipment

(1) Program and technical resources required to process election results by means of computer equipment shall be provided by the Statistical Office of the Slovak Republic.

(2) Any fact influencing the provision of conditions for processing election results by means of computer equipment shall be notified by the Ministry of Interior and electoral bodies to the respective state statistical body in writing and in good time.

#### Section 41 Rights of members of electoral committees

(1) The office of member of an electoral committee is an honorary office. By the performance of his office, a member of an electoral committee must not be restricted in his rights and entitlements arising from employment or similar working relations. The performance of the office of a member of an electoral committee is an activity in the public interest.<sup>20</sup>

(2) A member of an election committee shall be entitled to take time off work with salary compensation,<sup>21</sup> or if he is self-employed, to compensation equivalent to the respective part of the minimum salary of employees who are paid monthly.

(3) At the request of an employer who is based in the Slovak Republic (hereinafter referred to as an "employer") and has paid salary compensation pursuant to section 41 (2), the municipality, District Office or Ministry of Interior shall provide reimbursement of salary

<sup>20</sup> Section 136 (4) of the Labour Code.

<sup>21</sup> Section 138 (1) of the Labour Code.

compensation paid for time off work.<sup>22</sup>

(4) A member or electoral officer of an electoral committee shall be entitled to remuneration for the performance of his office where he is not entitled to salary compensation pursuant to section 41 (1). The remuneration shall be paid by the municipality.

(5) The remuneration shall be set at the level of one day's remuneration of the national average salary for the last but one calendar quarter before the calendar quarter in which the elections are conducted.

## Section 42 Rights of candidates

(1) The fact that a person is a candidate must not be detrimental to his employment rights or similar relations. From an employer with whom he has employment or similar relations, a candidate shall be entitled to receive time off work from the day following the registration of the list of candidates on which he is named to the day before polling day. Activity of a registered candidate shall be a preclusion to employment for reasons of general interest as another activity in the general interest.<sup>20</sup>

(2) The provision of salary compensation to a candidate of a political party or coalition and the compensating of an employer for paid salary shall be carried out pursuant to a special law.<sup>23</sup> An employer shall claim compensation for salary paid to a candidate from the political party or coalition on whose list of candidates the candidate is named.

(3) A candidate who does not have employment or similar relations shall be paid salary compensation by the political party or coalition on whose list of candidates he is named.

(4) The salary compensation of a candidate shall be calculated pursuant to section 41 (2).

## Section 43 Reimbursement of election-related expenses

(1) Expenses related to the elections to the European Parliament shall be reimbursed from the state budget of the Slovak Republic.

(2) The particular types of expenses which shall be reimbursed from the state budget, and the method of their reimbursement, shall be laid down in a generally binding legal provision issued by the Ministry of Interior and Statistical Office of the Slovak Republic with the agreement of the Ministry of Finance of the Slovak Republic.

(3) For the reimbursement of election-related expenses, advances shall be provided to each District Office, municipality, and regional administrative unit of the Statistical Office of the Slovak Republic.

(4) Expenses pursuant to section 43 (1) shall not include expenses of political parties or coalitions related to the broadcast of political advertisements or the placing of election posters.

## Section 44 Calculation of periods

The elapsing of periods pursuant to this Act shall not be subject to general provisions on administrative proceedings.<sup>24</sup>

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<sup>22</sup> Section 138 (2) of the Labour Code.

<sup>23</sup> Section 138 of the Labour Code.

<sup>24</sup> Act No. 71/1967 Coll. on administrative proceedings (administrative procedure) as amended by Act No. 215/2002 Coll.

Section 45  
Measures against inactivity

Where a municipality or municipal mayor does not fulfil tasks pursuant to sections 7, 9 (3) c), 12 (2) and (3), 15 (5), 18 (4), 19 (7), 20, 22 (1), and 38 (1), the head of the District Office shall ensure their fulfilment without delay.

Section 46  
Organisational measures

- (1) The Ministry of Interior shall:
- a) ensure the printing of ballot papers in the required quantity,
  - b) direct municipalities and local bodies of the civil service in:
    - 1) the forming of polling districts,
    - 2) the compiling of electoral registers,
    - 3) the provision of auxiliary resources pursuant to section 38,
    - 4) the safekeeping of ballot papers and other electoral documents,
  - c) issue samples of forms and ensure their production,
  - d) shall publish on its website, no later than 80 days prior to the elections date, information concerning conditions for candidature as well as information pertaining to voting conditions for elections to the European Parliament in the Slovak Republic.

(2) The Statistical Office of the Slovak Republic with the agreement of the Ministry of Interior shall issue a methodology for processing the results of polling.

Section 47  
Commencement

This Act shall enter into force upon the day of its promulgation, except for sections 2 (1) and (4), 3 (1) b), 7 (2) to (5), 13 (3) f) 2), 14 (2) b) to d), 15 6) and 8), and 21 to 37, whose entry into force shall coincide with that of the Treaty of the Accession of the Slovak Republic to the European Union.

ANNEX

SCHEDULE OF TRANSPOSED DIRECTIVES

The following directive shall be transposed in full to this Act:

Council Directive 93/109/EC of 6th 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, as published in the Official Journal of the European Communities L 329, 30th December 1993, pages 0034 - 0038.