

Act
No. 333 in the Collection of Laws

Of 13 May 2004

On Elections to the National Council of the Slovak Republic

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

FIRST PART
Basic provisions

Section 1

Elections to the National Council of the Slovak Republic 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.

Section 2

- (1) A person has the right to vote in elections for the National Council of the Slovak Republic (in this Act referred to as "the right to vote") if he or she (an "elector") is a citizen of the Slovak Republic and is at least eighteen years old on polling day.
- (2) A person is disqualified from exercising the right to vote if he or she is:
 - a) subject to restrictions on personal freedom imposed by law for the protection of public health,¹ or
 - b) serving a prison sentence,² or
 - c) deprived of legal capacity.³

Section 3

A person elected a Deputy of the National Council of the Slovak Republic (in this Act referred to as a "Deputy") must be a citizen of the Slovak Republic who is at least twenty-one years old on polling day, has permanent residence in the Slovak Republic, and is not disqualified from exercising the right to vote pursuant to section 2(3)(b) or (c).

¹ Section 11 of Act No. 272/1994 Coll. on the protection of public health as amended.

Section 14 of Act No. 277/1994 Coll. on health care as amended.

² Act No. 59/1965 Coll. on prison sentence implementation as amended.

³ Sections 10 and 855 of the Civil Code.

SECOND PART

Electoral registers

Permanent electoral register

Section 4

- (1) A permanent register of electors (in this Act referred to as a "permanent register") shall be compiled and maintained by each municipality and in the case of the Slovak Republic's capital city Bratislava and the city Košice, each borough thereof (in this Act referred to as a "municipality"). In the permanent register, a municipality shall register the names of electors who have permanent residence in the Slovak Republic.
- (2) A municipality shall keep under review any facts that require a change in the permanent register. A municipality shall make such changes on the basis of:
 - a) its own records, or
 - b) notification from a state body or another municipality, or
 - c) results of objection proceedings.
- (3) State bodies and municipalities which decide on the personal status of citizens, or keep records about citizens as a function of the civil service, shall forthwith notify respective municipalities of cases when citizenship of the Slovak Republic is obtained or lost, an elector dies or an elector's death is pronounced, an elector's first name or surname is changed, a person becomes eighteen years old, legal capacity is revoked, or permanent residence is changed.
- (4) A municipality shall ensure that any citizen has access during office hours to look at the permanent register for the purpose of confirming his or her entry in it and whether the information entered about him or her is complete and accurate.

Section 5

- (1) In the permanent register, electors shall be registered in alphabetical order on the basis of their surnames.
- (2) For each elector there shall be stated:
 - a) his or her first name and surname,
 - b) his or her personal identification number, and
 - c) the name of the municipality of his or her permanent residence, the name of the street if the municipality is divided into streets, and the number of the residence.⁴
- (3) A municipality shall complete the permanent register with the names of electors who have been registered for permanent residence in the municipality.
- (4) A municipality shall delete from the permanent register anyone who:
 - a) has lost citizenship of the Slovak Republic, or
 - b) has been registered for permanent residence in another municipality (on the basis of notification from the same municipality), or

⁴ Section 3(2) of Act No. 135/1982 Coll. on reporting and registration of the residence of citizens.

- c) has died or has been pronounced dead.
- (5) A municipality shall register in the permanent register any changes to a person's:
- a) first name or surname, or
 - b) permanent residence in the municipality.
- (6) In a permanent register there shall be spaces to correct mistakes and to state any disqualifications from exercising the right to vote.

Section 6

- (1) A citizen of the Slovak Republic who has permanent residence in the country and who has the right to vote shall be registered in a permanent register pursuant to his or her place of permanent residence. An elector may be registered in only one permanent register.
- (2) A member of the Armed Forces of the Slovak Republic who is performing compulsory military service⁵ (in this Act referred to as a "soldier") and who lives in communal accommodation shall be registered in the permanent register of the municipality in which his or her military unit is stationed. The entry shall be made on the basis of documentation submitted by the military unit and within a period to be set by the mayor of the respective municipality, city or city borough⁶ (in this Act referred to as a "mayor"). Such an entry is valid only for the period of polling. The municipality in which a soldier's unit is stationed shall forthwith inform the municipality in which the soldier has permanent residence of his or her entry in its permanent register.
- (3) A soldier registered in a permanent register pursuant to subsection (2) shall for the period of polling be deleted from the permanent register of the municipality in which he or she has permanent residence.

Section 7

Objection proceedings

- (1) An elector may verify during office hours whether he or she is registered in a permanent register and may request that the registered information be supplemented or corrected. A municipality shall carry out such a request or inform the elector in writing and within three days why the request cannot be carried out.
- (2) If a municipality does not rectify a mistake or omission in the permanent register, the elector concerned may petition the district court with jurisdiction for the respective polling district that it order the municipality to correct or complete the information about him or her in the permanent register. Such proceedings are subject to a separate law.⁷ On the basis of such a court order, a municipality shall amend the permanent register. On polling day, the polling district commission shall so amend the register of electors eligible to vote in the polling district (in this Act referred to as an "electoral register").

⁵ Section 10(2) of Act No. 320/2002 Coll. on military obligations

⁶ Sections 13 and 24(2) of Act No. 369/1990 Coll. on municipal administration as amended.

Section 17 of Act No. 377/1990 Coll. on the capital of the Slovak Republic, Bratislava, as amended.

Section 15 of Act No. 401/1990 Coll. on the city of Košice as amended.

⁷ Section 250z of the Civil Court Procedure.

Section 8 Electoral register

- (1) An electoral register shall be compiled by each municipality on the basis of its permanent register.
- (2) A municipality shall submit its electoral register to a polling district commission in two counterpart copies and not later than two hours before the start of polling.
- (3) Members of a polling district commission are required to maintain the confidentiality of personal information handled by them.⁸

Section 9 Voting certificate

- (1) An elector who is not able to vote in the polling district in whose electoral register he or she is registered shall receive from the municipality at his or her request a voting certificate; the elector shall be deleted from the electoral register and a note about the issuance of the voting certificate shall be added to it. Such a deletion is valid for the period of polling by voting certificate.
- (2) A request pursuant to subsection (1) shall be submitted by the elector either in person or through a proxy. A request for a voting certificate may be made during office hours of a municipality not earlier than thirty days, and not later than two days, before polling day. A municipality shall issue a voting certificate on the same day that the request for it is made. A municipality shall keep a record of issued voting certificates.
- (3) Voting certificate forms shall be provided to each municipality by the Ministry of Interior of the Slovak Republic (in this Act referred to as "the Ministry"). Voting certificate forms must include security features.
- (4) A voting certificate entitles the holder to be registered in the electoral register of any other polling district. Such an entry is valid for the period of polling by voting certificate.

Section 10 Special electoral register

- (1) A special register of electors who do not have permanent residence in the Slovak Republic shall be maintained by the city borough of Bratislava-Petržalka.
- (2) For each elector registered in the special electoral register, there shall be stated his or her:
 - a) first name and surname;
 - b) identity number, or if one has not been assigned, date of birth; and
 - c) address of permanent residence abroad.

⁸ Section 18 of Act No. 428/2002 Coll. on personal data protection.

- (3) An elector shall be registered in the special electoral register at his or her own request, which must be made not later than fifty days before polling day. The elector shall submit with the request:
- a) an attestation in the state language that he or she does not have permanent residence in the Slovak Republic, and
 - b) a photocopy of that part of a valid travel document of the Slovak Republic which states personal information about him or her, or a photocopy of a certificate of his or her citizenship of the Slovak Republic.

THIRD PART

Electoral constituency and polling districts

Section 11 Electoral constituency

The territory of the Slovak Republic forms a single electoral constituency.

Section 12 Polling districts

- (1) For the casting and counting of votes, a mayor shall designate polling districts and polling stations not later than seventy days before polling day.
- (2) A polling district shall include approximately one thousand electors. A municipality in which a military unit is stationed shall ensure that there is no polling district in whose electoral register are registered only soldiers pursuant to section 6(2).
- (3) For an elector who is resident in a health care facility, a social services facility or similar facility, or who is detained in a facility that is a police cell⁹ or place of pre-trial custody, the polling district commission for the polling district whereof the facility is located shall ensure, in cooperation with the head of the facility, that the elector has an opportunity to exercise his or her electoral franchise. Where such an elector does not have permanent residence in the polling district and requests to exercise the right to vote, he or she shall vote by means of a voting certificate.
- (4) For electors pursuant to section 10(1), the mayor of city borough of Bratislava-Petržalka shall designate a polling district and polling station.

⁹ Section 42 of Act No. 171/1993 Coll. on the Police Force as amended.

FOURTH PART

Electoral bodies

General provisions

Section 13

- (1) For elections to the National Council of the Slovak Republic there shall be established a Central Electoral Commission, district electoral commissions and polling district commissions.
- (2) A member of an electoral commission must be a citizen who has the right to vote and who has not been disqualified from exercising his or her electoral franchise. A person may be a member of only one electoral commission. A candidate for the office of a Deputy (in this Act referred to as a "candidate") may not be a member of an electoral commission.
- (3) Electoral commissions shall be made up of an equal number of representatives from each political party, political movement (in this Act referred to as a "political party") or coalition of political parties ("coalition") which submitted a list of candidates. The first name, surname and address of permanent residence of each member and of his or her substitute shall be notified in writing by the respective political party in a period pursuant to section 15(1), section 16(1) and section 17(1) to whoever will call the first meeting of the electoral commission. Such notification provided after the legally stipulated period shall not be considered.
- (4) A person ceases to be a member of an electoral commission if he or she represents a political party or coalition that either does not register or withdraws a list of candidates.
- (5) A person ceases to be a member of an electoral commission from the day when the chairperson of the commission receives notification in writing either that the member has been recalled from the commission by the political party or coalition which nominated him or her, or that the member has resigned from the commission. The chairperson shall then summon the respective substitute. A person also ceases to be a member of an electoral commission if he or she has not been sworn into office by the fifth day before polling day. In such a case, no substitute shall be summoned.
- (6) Each member of an electoral commission shall be sworn into the 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 or she shall be sworn in by whoever calls the meeting of the commission and shall confirm the oath with his or her signature in writing.
- (7) An electoral commission shall have a quorum when more than half of its members are present. For a commission to approve a resolution, a majority of present members must vote for it. Where the votes are equal, the proposal shall be deemed rejected. Minutes shall be taken during a meeting of an electoral commission.

- (8) The chairperson and deputy chairperson of an electoral commission shall be chosen by drawing lots among all members of the commission at its first meeting. This process shall be supervised by the electoral officer of the commission.
- (9) For the processing of election results and preparation of their processing, the Statistical Office of the Slovak Republic ("Statistical Office") shall establish expert summary bodies for the Central Electoral Commission and district electoral commissions. Members of expert summary bodies of electoral commissions shall swear an oath in the form and manner stated in subsection (6).

Section 14

Electoral officers of commissions

- (1) The electoral officer of an electoral commission shall serve as an expert advisor to the commission. At the same time, he or she shall make the organisational and administrative arrangements related to preparing and running meetings of the commission. An electoral officer has an advisory vote in discussions of the commission.
- (2) The electoral officer:
 - a) of the Central Electoral Commission shall be appointed and recalled by the Government of the Slovak Republic;
 - b) of a district electoral commission shall be appointed and recalled by the head of the District Office; and
 - c) of a polling district commission shall be appointed and recalled by the mayor.
- (3) The electoral officer of the Central Electoral Commission shall be appointed by the Government of the Slovak Republic not later than one hundred and five days before polling day; electoral officers mentioned in subsection (2)(b) or (c) shall be appointed in sufficient time to be able to fulfil their duties pursuant to this Act.

Section 15

Central Electoral Commission

- (1) For membership of the Central Electoral Commission, each political party or coalition which submits a list of candidates shall nominate one of its members and one substitute and shall do so not later than ninety days before polling day.
- (2) The first meeting of the Central Electoral Commission shall be held not later than eighty-five days before polling day and it shall be called by the Prime Minister of the Slovak Republic.
- (3) The Central Electoral Commission shall:
 - a) examine and register the lists of candidates;
 - b) supervise the preparedness of lower electoral commissions for meeting tasks pursuant to this Act;
 - c) discuss information of the Ministry on the organisation and technical preparation of the elections;
 - d) discuss information of the Statistical Office on preparation of the project for the automatic processing of election results;

- e) discuss information on the allocation of equal broadcasting time for television and radio broadcasts during the election campaign;
 - f) establish and publish the election results;
 - g) make a record of the election results and submit it to the Chairman of the National Council of the Slovak Republic;
 - h) issue each elected candidate with a certificate of election; and
 - i) submit electoral documents to the Ministry for safekeeping.
- (4) In order to assist the Central Electoral Commission in the performance of its tasks, the Ministry shall set up an expert-administrative body.

Section 16 District electoral commission

- (1) For membership of a district electoral commission, each political party or coalition whose list of candidates has been registered shall nominate one of its members and one substitute and shall do so not later than fifty-five days before polling day.
- (2) A district electoral commission must have not fewer than five members. Where a district electoral commission is not established pursuant to subsection (1), or where its number of members falls to below five and there is no substitute, then the required members shall be appointed by the head of the District Office.
- (3) The first meeting of a district electoral commission shall be held not later than forty days before polling day and it shall be called by the head of the District Office.
- (4) A district electoral commission shall:
- a) supervise the preparedness of polling district commissions for meeting tasks pursuant to this Act;
 - b) discuss information of the District Office on the organisation and technical preparation of the elections;
 - c) discuss information on ensuring the activity of its expert summary body;
 - d) oversee the processing of polling results in polling stations;
 - e) make a record of the conduct and result of polling and submit it to the Central Electoral Commission; and
 - f) submit electoral documents to the District Office for safekeeping.

Section 17 Polling district commission

- (1) For membership of a polling district commission, each political party or coalition whose list of candidates has been registered shall nominate one of its members and one substitute and shall do so not later than fifty-five days before polling day.
- (2) A polling district commission must have not fewer than five members. Where a polling district commission is not established pursuant to subsection (1), or where its number of members falls to below five and there is no substitute, then the required members shall be appointed by the mayor from among electors.

- (3) The first meeting of a polling district commission shall be held not later than forty days before polling day and it shall be called by the mayor.
- (4) A polling district commission shall:
 - a) ensure proper conduct of polling and maintain order in the polling station;
 - b) complete the electoral register and accept voting certificates;
 - c) count votes, make a record of the conduct and result of polling, and submit the record forthwith to the respective district electoral commission; and
 - d) submit electoral documents to the municipality for safekeeping.
- (5) Subsection (4)(b) does not apply to the activity of a polling district commission established for a polling district pursuant to section 12(4).

FIFTH PART

Submission and registration of lists of candidates

Section 18

List of candidates

- (1) A list of candidates may be submitted by any political party which is registered pursuant to a separate law;¹⁰ it shall be delivered by the political party's plenipotentiary to the electoral officer of the Central Electoral Commission in two counterpart copies and in electronic form not later than ninety days before polling day.
- (2) Political parties may form a coalition and submit a joint list of candidates pursuant to subsection (1). A political party which is a member of a coalition may not submit a separate list of candidates.
- (3) A list of candidates shall include:
 - a) the unabbreviated name of the political party or coalition;
 - b) a list stating the first name and surname of each candidate, his or her academic title, date of birth, employment, address of permanent residence, and place on the list of candidates in the form of an Arabic numeral; and
 - c) the signature of a statutory representative of the political party and the stamp of the party; for a coalition, the list of candidates shall include the signature of a statutory representative of each political party of the coalition and the stamp of each party.
- (4) There must be attached to a list of candidates:
 - a) a declaration signed by each candidate on the list that he or she consents to being a candidate, is not a candidate on another list of candidates and is not aware of anything which disqualifies him or her from being elected;
 - b) confirmation that the election deposit of five hundred thousand Slovak crowns (in this Act referred to as "the deposit") has been paid; and
 - c) a statement on the designation of a plenipotentiary and his or her substitute by the political party or coalition, which states his or her first name, surname and precise address to which documents may be delivered.

¹⁰ Act No. 424/1991 Coll. on associating in political parties and political movements as amended.

- (5) On its list of candidates, a political party or coalition may not include more than one hundred and fifty candidates.
- (6) On its list of candidates, a political party or coalition may include its emblem.
- (7) Political party or coalition shall pay the deposit not later than ninety days before the polling day. The deposit shall be paid into a special account, set up for this purpose by the Ministry. The account number shall be notified upon request by the electoral officer of the Central Electoral Commission to the political party or coalition that intends to submit a list of candidates. The Ministry 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 pursuant to section 20 or if the political party or coalition obtained at least two per cent of the valid votes cast. The Ministry shall do so not later than one month after the announcement of the election results. Deposits which remain unreturned shall be deemed revenue of the state budget.
- (8) Neither the plenipotentiary of a political party or coalition, nor his or her substitute, may be a candidate. A political party or coalition is bound by acts in electoral matters carried out by its plenipotentiary. If a political party or coalition replaces its plenipotentiary with his or her substitute, it shall so inform the Central Electoral Commission in writing and without delay.
- (9) The electoral officer shall establish whether each submitted list of candidates fulfils the terms pursuant to subsection (3) and whether the documents pursuant to subsection (4) are attached to it. If either is not the case, the electoral officer shall challenge the plenipotentiary of the respective political party or coalition to rectify the list of candidates and shall designate a reasonable period for doing so.
- (10) The electoral officer shall submit the lists of candidates to the Central Electoral Commission for its first meeting to examine and register.

Section 19

Examination of lists of candidates

- (1) The Central Electoral Commission shall examine the submitted lists of candidates not later than eighty days before polling day and shall make a record of the procedure. The Central Electoral Commission shall examine the lists of candidates through its expert summary body. The Central Electoral Commission shall not examine a list of candidates to which there is not attached a confirmation of payment of the deposit.
- (2) The Central Electoral Commission shall delete from a list of candidates any candidate:
 - a) who does not fulfil the conditions stated in section 3; or
 - b) for whom there is not attached a declaration pursuant to section 18(4)(a); or
 - c) who is stated on a list of candidates of more than one political party or coalition with the candidate being deleted from the list of candidates to which there is not attached a declaration pursuant to section 18(4)(a); or who has signed a declaration for more than one list of candidates with the candidate being deleted from all lists of candidates; or
 - d) who is named in a position on the list not pursuant to section 18(5).

Section 20
Registration of lists of candidates

- (1) Lists of candidates which comply with this Act and ones rectified pursuant to section 19(2) shall be registered by the Central Electoral Commission not later than seventy days before polling day. Registration of the lists of candidates is a precondition for the printing of ballot papers.
- (2) The Central Electoral Commission shall refuse to register a list of candidates which does not comply with this Act and which may not be rectified pursuant to section 19(2), and it shall do so within in a period pursuant to subsection (1).
- (3) A decision of the Central Electoral Commission pursuant to subsection (1) or (2) shall be delivered by the electoral officer to the respective political party or coalition not later than twenty-four hours after having been made.
- (4) Where the Central Electoral Commission decides pursuant to section 19 (2) on the registration of a list of candidates or on the registration of a rectified list of candidates, or where it decides not to register a list of candidates, then the respective political party or coalition may petition the Supreme Court of the Slovak Republic to issue a ruling on the decision. The Supreme Court may rule either to deregister a list of candidates, register a list of candidates or reinstate a candidate on a list of candidates.¹¹The petition may be submitted not later than three days after the Central Electoral Commission has made the decision.
- (5) After registering the lists of candidates, the Central Electoral Commission shall deliver a register of the candidates to the Ministry. Through district offices, the Ministry shall deliver the register to municipalities not later than forty days before polling day. Municipalities shall ensure that electors receive the register of candidates not later than twenty-five days before polling day. For the purpose of postal voting, the Ministry shall publish the register of candidates on its web site not later than forty days before polling day.

Section 21
Numbering lists of candidates

After registering the lists of candidates, the Central Electoral Commission shall forthwith assign a number to the list of candidates of each political party or coalition by drawing lots. Where a list of candidates is registered subsequently, on the basis of a decision of the Supreme Court of the Slovak Republic, then the Central Electoral Commission shall assign it the number following the highest one drawn. The Central Electoral Commission shall forthwith inform each political party or coalition of the numbers drawn for the lists of candidates and it shall ensure their publication.

¹¹ Section 250za of the Civil Court Procedure

Section 22

Withdrawal of a list of candidates;
resignation or withdrawal of a candidate

- (1) A political party or coalition may withdraw its list of candidates not later than forty-eight hours before the start of polling by means of notification in writing from its plenipotentiary.
- (2) A candidate may resign his or her candidacy by notification in writing and a political party or coalition may withdraw a candidate from its list of candidates by notification in writing. Either may be done not later than forty-eight hours before the start of polling.
- (3) Notification of the withdrawal of a list of candidates by a political party or coalition, or notification of the resignation or withdrawal of a candidate, shall be delivered in duplicate to the chairperson of the Central Electoral Commission, and he or she shall ensure its publication on the electoral section of the Ministry's web site. 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.
- (4) Where a candidate resigned or was withdrawn from a registered list of candidates, his or her information shall remain on the list of candidates but shall not be taken into account in the allocation of seats.

Section 23

Ballot papers

- (1) A ballot paper shall be produced for each political party or coalition whose list of candidates has been registered.
- (2) The Ministry shall ensure the required number of ballot papers on the basis of the registered lists of candidates. The accuracy of the information stated on a ballot paper shall be verified by the Central Electoral Commission. There must be stated on each ballot paper the drawn number of the list of candidates, the name of the political party or coalition, each candidate's first name, surname academic title, age, employment, and the municipality of his or her permanent residence. The order of candidates on a ballot paper must correspond to the order on the list of candidates. Where the emblem of a political party or coalition is included on the list of candidates, it shall be included also on the ballot paper.
- (3) Ballot papers must be printed with the same font and size of letters, on paper of the same colour, quality and size. Each ballot paper shall be stamped with the seal of the Central Electoral Commission.
- (4) The Ministry shall deliver ballot papers to each mayor through the respective District Office not later than forty days before polling day. Mayors shall ensure that ballot papers are delivered to polling district commissions not later than polling day, except for the polling district commission established for the polling district pursuant to section 12(4).

- (5) An elector who votes in the territory of the Slovak Republic shall receive the ballot papers at the polling station on polling day.
- (6) Ballot papers shall not be printed for a political party which, subsequent to the registration of its list of candidates, has been dissolved or has been suspended from conducting its activities¹² or has withdrawn its list of candidates; where the ballot papers have already been printed, the polling district commissions shall ensure that they are not distributed to electors at polling stations; where the ballots have already been distributed, they shall not be considered in the counting of votes. The same applies to a coalition where it has withdrawn its list of candidates or where any of its political parties has been dissolved or has been suspended from conducting its activities subsequent to the registration of the list of candidates.

Section 24
Broadcasting of political advertisements
and placing of election posters

- (1) Slovak Radio¹³ and Slovak Television¹⁴ shall allocate each contesting party or coalition not more than thirty minutes of broadcasting time and shall allocate in total not more than ten hours of broadcasting time for political advertisements. The right to broadcasting time must be exercised not later than five days before the start of broadcasting of political advertisements or it shall expire. A political party or coalition shall be responsible for the content of its broadcast. Slovak Radio and Slovak Television shall ensure clear designation and separation of such a broadcast from other programmes by airing an announcement that it is a paid broadcast.
- (2) Slovak Radio and Slovak Television shall allocate in addition to the broadcasting time pursuant to subsection (1) ten hours of broadcasting time for discussion programmes.
- (3) A broadcaster authorised to broadcast under a licence¹⁵ (in this Act referred to as a "licensed broadcaster") may allocate each contesting party or coalition not more than thirty minutes of broadcasting time and may allocate in total not more than ten hours of broadcasting time for political advertisements. A political party or coalition shall be responsible for the content of its broadcast. A licensed broadcaster shall ensure clear designation and separation of such a broadcast from other programmes by airing an announcement that it is a paid broadcast.
- (4) Slovak Radio, Slovak Television and any licensed broadcaster shall allocate broadcasting time pursuant to subsections (1) to (3) equally between the contesting political parties or coalitions and in such a way that no political party or coalition is prejudiced by the allocation.
- (5) A licensed broadcaster may broadcast discussion programmes with representatives of contesting political parties or coalitions in a period pursuant to subsection (8) and in addition to programmes pursuant to subsection (10) where the inclusion of such

¹² Act No. 424/1991 Coll. on associating in political parties and political movements as amended.

¹³ Act No. 619/2003 Coll. on Slovak Radio.

¹⁴ Act No. 16/2004 Coll. on Slovak Television.

¹⁵ Section 2(1)(b) of Act No. 308/2000 Coll. on Broadcasting and Retransmission and its consequential amendments of Act No. 195/2000 Coll. on Telecommunications.

- programmes into the programme structure for this period has been approved by the Council of Broadcasting and Retransmission¹⁶ (in this Act referred to as "the Council"). A licensed broadcaster shall submit a project for discussion programmes to the Council not later than thirty days before their broadcasting begins and the project shall include a system for selecting participants in the programmes which does not prejudice any political party or coalition. The inclusion of such programmes shall not be deemed a change to programme services.¹⁷
- (6) Any dispute concerning equality in the allocation or scheduling of political advertisements, or participation in discussion programmes, shall be resolved by the Central Electoral Commission. Its decision in such a matter shall be binding.
 - (7) The costs of a political advertisement broadcast by Slovak Radio, Slovak Television or a licensed broadcaster shall be met by the respective political party or coalition. Slovak Radio, Slovak Television or a licensed broadcaster shall provide for all contesting political parties or coalitions running in the election equal conditions for the purchase of broadcasting time as well as equal price and payment conditions.
 - (8) Broadcasting of political advertisements shall begin twenty-one days before polling day.
 - (9) A political advertisement may not be broadcast during the broadcasting time on radio or television reserved for advertisements. The time provided for the broadcast of a political advertisement shall not be restricted by the time limit for the broadcast of an advertisement pursuant to a separate provision.¹⁸
 - (10) A news or journalistic programme shall not be deemed to be a political advertisement where it is in accordance with the programme services and it is broadcast in a manner and circumstances which are the same as for the time outside the period pursuant to subsection (8).
 - (11) Apart from news or journalistic programmes pursuant to subsections (2), (5) and (10) and political advertisements pursuant to subsections (1) and (3), broadcasting which could influence the casting of votes to the benefit or detriment of a running political party or coalition is forbidden.
 - (12) For the infringement of rules on the broadcasting of political advertisements pursuant to this Act, sanctions shall be imposed pursuant to a separate law.¹⁹
 - (13) A municipality shall designate places where election posters and other bearers of information may from twenty-one days before polling day be put up; such a designated place must comply with the principle of equality for contesting political parties or coalitions.
 - (14) It is forbidden to publish the results of electoral opinion polls on the day of polling for the period up to the end of polling.

¹⁶ Sections 4 and 5 of Act No. 308/2000 Coll.

¹⁷ Section 3(e) of Act No. 308/2000 Coll.

¹⁸ Section 36(1) to (3) and section 37(1) and (2) of Act No. 308/2000 Coll.

¹⁹ Section 16 and sections 64 to 67 of Act No. 308/2000 Coll. as amended by Act No. 206/2002 Coll.

SIXTH PART

Elections

Section 25

Declaration of elections and period for conducting them

- (1) The elections shall be held in the whole territory of the Slovak Republic on one day, a Saturday.
- (2) The elections shall be declared by the Chairperson of the National Council of the Slovak Republic; he or she shall declare the elections and announce the polling day not later than one hundred and ten days before polling day. The declaration of elections shall be promulgated in the Collection of Laws of the Slovak Republic and on the web site of the Ministry.
- (3) The elections shall be conducted from 7 a.m. until 10 p.m. If local conditions so require, a mayor may bring forward the start of polling by not more than two hours.

Section 26

Informing electors

A municipality shall designate the time and place for conducting elections in the municipality not later than fifty days before polling day; if the territory of a municipality includes more than one polling district, the municipality shall designate which parts thereof are covered by individual polling districts. A municipality shall send to each elector registered in its electoral register, except for electors registered in the special electoral register, a notification stating the time of polling, the polling district and polling station where the elector may vote, and it shall do so not later than twenty-five days before polling day. In the notification there shall also be stated the duty to show proof of identity before voting, which for the purposes of this Act is an identity card.

Section 27

Method of voting

- (1) An elector may vote in the territory of the Slovak Republic:
 - a) in the polling district in whose electoral register he or she is registered, or
 - b) in another polling district on the basis of a voting certificate, except for a polling district established pursuant to section 12(4).
- (2) An elector may vote outside the territory of the Slovak Republic by post.
- (3) A postal vote may be cast by:
 - a) an elector who does not have permanent residence in the Slovak Republic and who at his or her own request has been registered in the special electoral register pursuant to section 10, or

- b) an elector with permanent residence in the Slovak Republic who is outside its territory at the time of the elections and who makes a request to vote by post to the municipality in which he or she has permanent residence.

Elections in the territory of the Slovak Republic

Section 28

Preparations in a polling station

Before the start of polling, the chairperson of a polling district commission shall inspect the ballot box and the portable ballot box in the presence of members of the commission and then shall seal both ballot boxes. The chairperson shall inspect the polling station for its equipment and 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 seal of the municipality (in this Act referred to as an "envelope"). The chairperson shall then declare the start of polling.

Section 29

Polling booths for the marking of ballot papers

- (1) A polling station shall be set out so as to ensure 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) There shall be no one present with an elector in a polling booth, unless otherwise provided for in this Act.

Section 30

Voting

- (1) An elector shall present himself or herself to the polling district commission and vote in person. It is not allowed to vote by proxy. Members of the polling district commission must not mark an elector's ballot papers.
- (2) After entering a polling station, an elector shall prove his or her identity; after being registered as present in each copy of the electoral register, the elector shall receive from the polling district commission ballot papers and an empty envelope. An elector who does not show his or her identity card shall not be allowed to vote.
- (3) An elector who appears at a polling station with a voting certificate shall be registered by the polling district commission in each copy of the electoral register after submitting his or her identity card. The entry shall be signed by the chairperson of the commission; the voting certificate shall then be attached to the first counterpart of the electoral register. The commission shall then give the elector ballot papers and an empty envelope.
- (4) An elector with permanent residence in the Slovak Republic who appears at the respective polling station on polling day and who is not registered in the electoral

register shall be registered by the polling district commission in each copy of the electoral register after submitting his or her identity card. The entry shall be signed by the chairperson of the commission. The commission shall then give the elector ballot papers and an empty envelope.

- (5) After receiving the ballot papers and an envelope, an elector shall go to a polling booth. In the polling booth, an elector shall place in the envelope one ballot paper. On the ballot paper which an elector places in the envelope, he or she may circle the number of not more than four candidates to which he or she gives preference. Other marks on the ballot paper shall not be taken into account.
- (6) An elector who is unable to mark a ballot paper owing to physical disability, or an inability to read or write, shall have the right to be accompanied in the polling booth by another elector, who is not a member of the polling district commission, for the purpose of marking his or her ballot paper as he or she instructs and placing it in the envelope.
- (7) To cast a vote, an elector shall leave the polling booth and place the envelope in the ballot box in front of the polling district commission. If an elector has not gone to a polling booth, the polling district commission shall not allow him or her to cast a vote.
- (8) For serious reasons, in particular of health, the polling district commission may allow an elector on request to cast his or her vote outside the polling station and within the polling district for which the polling district commission was established. In such a case, the polling district commission shall send to the elector two of its members together with the portable ballot box, envelopes and ballot papers; these members of the commission shall ensure that secrecy of voting is observed. The elector's participation in voting shall be registered by the polling district commission in each copy of the electoral register immediately after the two commission members sent with the portable ballot box have returned to the polling station.
- (9) An elector who owing to physical disability is not able to place the envelope into the ballot box may on request have it done on his or her behalf and in his or her presence by another elector who is not a member of the polling district commission.

Section 31

Order in the polling station

- (1) The chairperson of a polling district commission, and in his or her absence the deputy chairperson, shall be responsible for maintaining order in the polling station.
- (2) Instructions issued by the chairperson or deputy chairperson of a polling district commission on maintaining order in the polling station and on the proper conduct of polling shall be binding on all present.
- (3) Persons entitled to be present in a polling station shall include apart from members of the polling district commission, its electoral officer, members of higher electoral commissions, members of their expert summary bodies, and electors, also anyone who has expressed interest in observing the conduct of the elections and counting of votes and observers sent by international organisations. Such a person may be excluded from

a polling station where his or her presence would pose a threat to public order or for reasons of space in the polling station.

- (4) It is forbidden to electioneer at a polling station on behalf of a contesting political party, coalition, or candidate.

Section 32 Interruption of polling

In the event of circumstances that interrupt either the start, continuation, or end of polling, a polling district commission may either postpone the start of polling or extend the time for polling. However, the total time for polling (section 25(3)) must not be shortened by such measures. A polling district commission shall inform electors of such measures in a manner customary thereat. In the event that polling is interrupted, a polling district commission shall seal the electoral documents and ballot boxes. At the resumption of polling, the polling district commission shall check that the seals have not been broken. The circumstances which interrupted the start, continuation, or end of polling, and the fact that the seals were not broken, shall be stated by the polling district commission in its record of the conduct and result of polling for the polling district.

Section 33 End of polling

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

Section 34 Postal voting by electors who do not have permanent residence in the Slovak Republic

- (1) An elector who does not have permanent residence in the Slovak Republic and who has been registered in the special electoral register pursuant to section 10 shall be sent by the city borough of Bratislava-Petržalka not later thirty-five days before polling day to his or her address of permanent residence abroad:
- a) an envelope pursuant to section 28,
 - b) ballot papers,
 - c) a return envelope, and
 - d) instructions on how to vote.
- (2) The return envelope must be marked with the words "POSTAL VOTE". There must be written on it the address of the local authority of Bratislava-Petržalka as the addressee and the address of the elector pursuant to section 10(2)(c) as the sender.
- (3) For voting, section 30(5) shall apply where necessary.
- (4) After placing a ballot paper into the envelope, the elector shall place the sealed envelope into the return envelope and send it by post. The postal charge shall be paid by the elector.

- (5) Only votes on those ballot papers delivered not later than the last working day before polling day shall be counted towards the election result.
- (6) Delivered return envelopes and the special electoral register pursuant to section 10 shall be submitted by the city borough of Bratislava-Petržalka on polling day to the polling district commission established for the polling district pursuant to section 12(4).
- (7) In the presence of a representative of the city borough of Bratislava-Petržalka, the polling district commission established for the polling district pursuant to section 12(4) shall circle in the special electoral register the numbers of those electors who sent return envelopes. It shall then open the return envelopes and take out the envelopes with ballot papers; the representative of the city borough of Bratislava-Petržalka shall then place these envelopes into the ballot box.
- (8) The polling district commission established for the polling district pursuant to section 12(4) shall begin to establish the result of polling immediately after the envelopes are placed into the ballot box.
- (9) The procedure for establishing the result of polling in a polling district is subject to sections 36 to 40.
- (10) Postal voting by electors who do not have permanent residence in the Slovak Republic is not subject to sections 28 to 33.

Section 35

Postal voting by electors who have permanent residence in the Slovak Republic
and who are outside its territory at the time of the elections

- (1) An elector with permanent residence in the Slovak Republic who will be outside its territory at the time of the elections may make a request in writing to vote by post to the municipality in which he or she has permanent residence. The request must be delivered not later than fifty days before polling day.
- (2) The municipality shall send the elector not later than thirty-five days before polling day to his or her designated address of permanent residence abroad:
 - a) an envelope pursuant to section 28,
 - b) ballot papers,
 - c) a return envelope, and
 - d) instructions on how to vote.
- (3) The return envelope must be marked with the words "POSTAL VOTE". There must be written on it the address of the municipal authority as the addressee and the address of the elector abroad as the sender.
- (4) For voting, section 30(5) shall where necessary.
- (5) After placing the ballot paper into the envelope, the elector shall place the sealed envelope into the return envelope and send it by post. The postal charge shall be paid by the elector.

- (6) Only votes on those ballot papers delivered not later than the last working day before polling day shall be counted towards the election result.
- (7) Return envelopes delivered in a period pursuant to subsection (6) shall be submitted by the municipality to the respective polling district commission before the end of polling.
- (8) In the presence of a representative of the municipality, the polling district commission shall circle in the electoral register the numbers of those electors who sent return envelopes and shall mark them as postal votes. It shall then open the return envelopes and take out the envelopes with ballot papers; the representative of the municipality shall then place these envelopes into the ballot box.

Establishing and announcing the results of polling

Section 36

Counting votes at a polling district commission

- (1) After the end of polling, the chairperson of a polling district commission shall have the remaining unused ballot papers and envelopes sealed and the ballot box opened. Where a portable ballot box was used by the polling district commission at the request of citizens, then the contents of both ballot boxes, after being opened, shall be mixed.
- (2) A polling district commission shall take envelopes with ballot papers from the ballot box, count them, and compare their number with the entries in the electoral register. Envelopes which do not meet the terms pursuant to section 28, and ballot papers which were not in an envelope, shall not be taken into account by the polling district commission.
- (3) After taking the ballot papers from the envelopes, a polling district commission shall divide and count the ballot papers cast for individual parties or coalitions, shall exclude spoiled ballot papers, and shall establish how many electors of each political party or coalition exercised the right to a preferential vote. Subsequently, the polling district commission shall count the preferential votes cast for individual candidates on the ballot papers.
- (4) Any member of a polling district commission may look at the ballot papers. The chairperson of the polling district commission shall supervise the correctness of the vote count.

Section 37

Evaluation of ballot papers

- (1) A ballot paper on which the name of a candidate has been crossed out, changed or added is still valid. Such an amendment shall not be taken into account. Where an elector has marked on a ballot paper a preferential vote for more than four candidates, the ballot paper shall be counted for the political party or coalition, but it shall not be taken into account for preferential votes.
- (2) A ballot paper is not valid if it is not printed on the prescribed form, or if it is for a political party or coalition pursuant to section 23(6). If an envelope contains more than one ballot paper for different political parties or coalitions, then all the ballot papers

therein are invalid. If an envelope contains more than one ballot paper for the same political party or coalition, it shall be counted as a single vote; if preference votes were marked on more than one of these ballot papers, then only the preference votes on the ballot paper with the most such votes shall be taken into account; if all the ballot papers have the same number of preference votes and not for the same candidates, then such votes shall not be taken into account.

- (3) In the event of doubt over the validity of an envelope, ballot paper or preferential vote, the polling district commission shall have the final decision on its validity.

Section 38

The record of the conduct and result of polling in a polling district

- (1) A polling district commission shall make a record in two counterpart copies of the conduct and result of polling in the polling district. The record shall be signed by the chairperson and other members of the commission. If any member of the polling district commission does not sign the record, he or she shall state the reasons for not doing so. Each page of the record shall be embossed by the polling district commission with its seal (dry seal).
- (2) The record of the conduct and result of polling in a polling district shall state:
 - a) the time of the start and end of polling, and any interruption of polling;
 - b) the number of electors registered in the electoral register of the polling district;
 - c) the number of electors who participated in voting;
 - d) the number of electors who returned envelopes pursuant to section 30;
 - e) the number of electors who sent return envelopes from abroad;
 - f) the number of valid votes cast for each political party or coalition;
 - g) the number of electors of each political party or coalition who exercised the right to a preferential vote; and
 - h) the number of valid preferential votes cast for individual candidates of each political party or coalition.

Section 39

Cessation of activity in a polling district commission

- (1) After the counting of votes and the signing of each counterpart of the record of the conduct and result of polling in the polling district, the chairperson of a polling district commission shall announce the result of polling and shall forthwith submit one copy of the record to the district electoral commission; the chairperson shall then wait for an instruction from the district electoral commission to cease the activity of the polling district commission.
- (2) A polling district commission shall seal the submitted ballot papers, envelopes and each counterpart of the electoral register and it shall send them together with the other electoral documents to the municipality for safekeeping.

Section 40

Verification of records by a district electoral commission

A district electoral commission shall collect from each polling district commission the record of the conduct and result of polling in the polling district and shall have its expert

summary body verify their completeness. If a district electoral commission has doubts about the information stated in a record, it shall have the right to demand clarification and other information from the polling district commission; where there are clear errors, it shall rectify them with the agreement of the polling district commission, or else it shall request the polling district commission to reconvene and rectify them. Persons who may be present at such proceedings shall include members and electoral officers of electoral commissions, members of their expert summary bodies, observers sent by international organisations, and anyone so permitted by the district electoral commission.

Section 41

The record of the conduct and result of polling made by a district electoral commission

- (1) A district electoral commission shall make a record in two counterpart copies of the conduct and result of polling. The record shall be signed by the chairperson and other members of the commission. If any member of the polling district commission does not sign the record, he or she shall state the reasons for not doing so.
- (2) The record of the conduct and result of polling made by a district electoral commission shall state:
 - a) the number of polling districts and the number of polling district commissions which sent results of polling;
 - b) the number of electors registered in the electoral register;
 - c) the number of electors who participated in voting;
 - d) the number of electors who returned envelopes pursuant to section 30;
 - e) the number of electors who sent return envelopes from abroad;
 - f) the number of valid votes cast for each political party or coalition;
 - g) the number of electors of each political party or coalition who exercised the right to a preferential vote; and
 - h) the number of valid preferential votes for individual candidates of each political party or coalition.
- (3) After signing each counterpart of the record of the conduct and result of polling, the chairperson of a district electoral commission shall forthwith submit one copy of the record to the Central Electoral Commission. Other electoral documents shall be submitted to the District Office for safekeeping.

Section 42

Conditions for allocating seats

- (1) The Central Electoral Commission shall establish how many valid votes were cast for each political party or coalition.
- (2) The Central Electoral Commission shall also establish:
 - a) which political parties obtained less than five per cent of the total number of votes cast;
 - b) which coalitions consisting of two or three political parties obtained less than seven per cent of the total number of votes cast; and
 - c) which coalitions consisting of not fewer than four political parties obtained less than ten per cent of the total number of votes cast.

- (3) When further establishing the election results and allocating seats, the Central Electoral Commission shall not take into account the political parties or coalitions pursuant to subsection (2) nor the votes cast for them.
- (4) If the Central Electoral Commission establishes that the requirements pursuant to subsection (2) have not been fulfilled by any political party or coalition then it shall lower the thresholds as follows:
 - a) for a political party, from five per cent to four per cent;
 - b) for a coalition mentioned in subsection (2)(b), from seven per cent to six per cent; and
 - c) for a coalition mentioned in subsection 2(c), from ten per cent to nine per cent;

so that when further establishing the election results and allocating seats, it is possible to take into account not fewer than two political parties, or two coalitions, or one political party and one coalition.

Section 43 Allocation of seats

- (1) The sum of valid votes cast for the proceeding political parties or coalitions shall be divided by the number 151 (the number of seats plus one). The result of this division rounded off to a whole number is the republic electoral number.
- (2) The sum of valid votes obtained by a political party or coalition shall be divided by the republic electoral number; a political party or coalition shall be allocated a number of seats equal to the number of times the republic electoral number divides into the sum of valid votes which it obtained.
- (3) In the event that there is allocated one seat more than should have been, the surplus seat shall be deducted from the political party or coalition which has the smallest remainder from the division. If remainders are equal, the seat shall be deducted from the political party or coalition which obtained the fewer number of votes. If the numbers of votes are equal, the deduction shall be decided by drawing lots.
- (4) In the event that not all seats are allocated or that a political party or coalition should be allocated more seats than it has candidates, then the Central Electoral Commission shall allocate such seats among other political parties or coalitions in order of their remainder from the division beginning with the highest. If remainders are equal, the seat shall be allocated to the political party or coalition which obtained the larger number of votes. If the numbers of votes are the equal, the allocation shall be decided by drawing lots.
- (5) The seats allocated to a political party or coalition shall be allocated among its candidates in the order that they are stated on the ballot paper. If any of the electors who cast a valid vote for the political party or coalition exercised the right to a preferential vote, then a seat shall be allocated firstly to a candidate who obtained preferential votes totalling not less than three per cent of the sum of valid votes cast for the political party or coalition. If the political party or coalition is allocated more seats and has more candidates that fulfil the condition mentioned in the previous sentence, then these candidates shall receive seats in the order of the number of preferential votes they received beginning with the highest. If the number of preferential votes is the same, the allocation shall be decided by order on the ballot paper.

- (6) Candidates who were not allocated a seat shall become substitutes.

Section 44
Record of the Central Electoral Commission
and publication of the election results

- (1) After allocating the seats, the Central Electoral Commission shall make a record of the election results and this shall be signed by the chairperson and members of the Commission. If any member of the Central Electoral Commission does not sign the record, he or she shall state the reasons for not doing so.
- (2) The record of the election results shall state:
- a) the number of electors registered in electoral registers;
 - b) the number of electors who participated in voting;
 - c) the number of electors who returned envelopes pursuant to section 30;
 - d) the number of electors who sent return envelopes from abroad;
 - e) the number of valid votes cast for each political party or coalition; and
 - f) the first name and surname of each candidate on a list of candidates who was elected to be a Deputy, as well as information on the results of preferential voting, and the first names and surnames of candidates who became substitutes.
- (3) The Central Electoral Commission shall publish the overall results of the elections after the record of the election results has been signed; it may also publish running election results.

Section 45
Certificate of election

The Central Electoral Commission shall issue a certificate of election to each candidate elected to be a Deputy.

Section 46
New elections

If the Constitutional Court of the Slovak Republic declares the elections to be invalid, or if it annuls the election result, then the Chairperson of the National Council of the Slovak Republic shall declare new elections to the National Council of the Slovak Republic. New elections shall be declared not later than thirty days after such a ruling of the Constitutional Court has been published in the Collection of Laws of the Slovak Republic.

Section 47
Succession of substitutes

- (1) If a seat becomes vacant during an electoral term, it shall be filled by a substitute from the respective political party or coalition on the basis of his or her position on the list of candidates. However, if there are valid preferential votes on the list of candidates, the seat shall be filled by that candidate who obtained not less than three per cent of the preferential votes and the highest number of preferential votes.

- (2) If there is no substitute from the respective political party or coalition, the seat shall remain vacant until the end of the electoral period.
- (3) If a political party has been dissolved,²⁰ no substitute shall succeed from it and the seat shall remain vacant until the end of the electoral period.
- (4) If a political party has been suspended from conducting its activity,²¹ no substitute shall succeed from it during the period of suspension.
- (5) A Deputy shall be succeeded by a substitute if he or she has been appointed to be a member of the Government of the Slovak Republic, or the head of the Office of the President of the Slovak Republic, or the head of a central body of the Civil Service who is not a member of the Government of the Slovak Republic, or a state secretary, or the director of the Slovak Intelligence Service,²² or if he or she is in pre-trial custody.²³
- (6) The succession of a substitute shall be promulgated by the Chairman of the National Council of the Slovak Republic not later than fifteen days after the seat became vacant or a fact mentioned in subsection (5) occurred. The substitute shall be issued with a certificate of the fact and date that he or she became a Deputy. For a substitute mentioned in subsection (5), such a certificate shall state in addition that he or she will fill the seat for only as long as the person substituted holds the office for which that person was substituted, or for as long as the person substituted is in pre-trial custody. After a substitute ceases to fill a seat, he or she shall remain as a substitute on the list of candidates and in the same position as before.

SEVENTH PART

Measures for holding the elections

Section 48 Provision for activity of electoral commissions

- (1) Provision for the activity of electoral commissions shall be made:
 - a) for a polling district commissions by the municipality in whose territory it is established; and
 - b) for a district electoral commission by the District Office.
- (2) Personnel required for the organisational and technical preparation of elections and the holding of them shall be arranged by municipalities and district offices.

Section 49 Cooperation with public authorities

Public authorities are obliged to cooperate in the implementation of this Act.

²⁰ Section 13 of Act No. 424/1991 Coll. as amended.

²¹ Section 14 of Act No. 424/1991 Coll. as amended by Act No. 404/2002 Coll.

²² Article 77(2) of the Constitution of the Slovak Republic.

²³ Article 4 of Constitutional Act No. 119/1995 Coll. on preventing conflict of interest in executing functions of constitutional officials and higher state officials.

Section 50
Rights of members of electoral commissions

- (1) A member of an electoral commission must not as a result of performing this office be restricted in his or her rights and entitlements arising from employment or similar working relations, or from a Civil Service position. Above all, he or she shall have the right to time off with either reimbursement of salary, or a payment equivalent to his or her average monthly income, or, if earning independently, reimbursement equivalent to the respective part of the minimum salary among employees who are paid monthly.
- (2) An employer who has reimbursed salary pursuant to subsection (1) shall have the right to be reimbursed accordingly. Reimbursement for an independently earning person shall be paid by the municipality where the person is a member of a polling district commission, by the District Office where the person is a member of a district electoral commission, and by the Ministry where the person is a member of the Central Electoral Commission.
- (3) A member or electoral officer of a polling district commission shall have the right to remuneration for polling day if he or she is not entitled to reimbursement of wages or salary for this day; if independently earning, he or she shall have the right to remuneration pursuant to subsection (1). The amount of the remuneration for a member or electoral officer of a polling district commission shall be set at one day's remuneration under the national average salary for the last but one calendar quarter before the calendar quarter in which the elections are conducted.
- (4) The performance of the office of a member of an electoral commission or an electoral officer of a polling district commission does not constitute the performance of another paid activity pursuant to a separate legal provision.²⁴

Section 51
Rights of candidates

- (1) The fact that a person is a candidate must not be detrimental to his or her employment rights or similar relations, or Civil Service position.
- (2) A candidate who is in employment or similar working relations, or who has a Civil Service position, shall have the right to take time off work or to take holiday for a period of not fewer than twenty-one days before polling day.

Section 52
Reimbursement of election-related expenses

²⁴ Section 83 of the Labour Code.

Section 59 of Act No. 312/2001 Coll. on the Civil Service and its consequential amendments, as amended.

Act No. 553/2003 Coll. on remuneration of certain employees for work in the public interest and its consequential amendments.

- (1) Expenses related to the elections shall be reimbursed from the state budget. Expenses incurred by electors in sending postal votes shall not be reimbursed from the state budget.
- (2) Expenses for the activity of polling district commissions shall be paid to municipalities from the budget of the Ministry.²⁵
- (3) A political party or coalition shall meet the costs of broadcasting a political advertisement pursuant to section 24.
- (4) After the National Council of the Slovak Republic has verified the election of Deputies, the Chairperson of the National Council of the Slovak Republic shall inform the Ministry of Finance of the Slovak Republic of how many valid votes were cast for each political party or coalition. A political party or coalition which obtained in the elections more than three per cent of the total number of valid votes cast in the Slovak Republic shall receive from the state budget of the Slovak Republic a payment for each such vote equal to one per cent of the national average salary for the calendar year preceding the year in which the elections are conducted.

Section 53 Periods

The elapsing of periods mentioned in this Act is not subject to general provisions on administrative proceedings.²⁶

Section 54 Measures against inactivity

If a municipality or its body does not fulfil any tasks pursuant to section 12(1) or (4), section 14(2)(c), section 17(2) or (3), section 23(4), section 24(13), section 26, or section 48(1)(a) or (2), their fulfilment shall be ensured forthwith by the head of the District Office while the costs shall be met by the municipality.

EIGHTH PART **Common, transitional and final provisions**

Section 55 Provisions of authorisation

- (1) The Ministry shall:
 - a) ensure the printing of ballot papers, methodological and information material, pamphlets and envelopes;
 - b) ensure the equipping of polling stations; and
 - c) direct municipalities and bodies of the local Civil Service in:
 - 1) the designation of polling districts,
 - 2) the compiling of electoral registers, and
 - 3) the safekeeping of ballot papers and other electoral documents.

²⁵ Section 6(3) of Act 303/1995 Coll. on budgetary rules as amended.

²⁶ Act No. 71/1967 on administrative proceedings (administrative procedure) as amended.

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

Section 56

Where prior to this Act coming into force the relevant bodies of the Civil Service and municipalities have taken measures to prepare the implementation of this Act, then such measures insofar as they do not contradict this Act shall be regarded as if they had been taken after it came into force.

Section 57

Repeal

This Act repeals Act No. 80/1990 Coll. on elections to the National Council of the Slovak Republic as amended by Act No. 8/1992 Coll., by Act No. 104/1992 Coll., by Act No. 518/1992 Coll., by Act No. 157/1994 Coll., by Act No. 81/1995 Coll., by Act No. 187/1998 Coll., by the decision of the Constitutional Court of the Slovak Republic No. 66/1999 Coll., by Act No. 223/1999 Coll., and by Act No. 515/2003 Coll.

Section 58

This Act shall come into force on 1 October 2004.

Pavol Hrušovský m.p.
Mikuláš Dzurinda m.p.