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ACCESS TO ELECTORAL RIGHTS

SLOVAKIA

Jana Kazaz

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European University Institute, Florence
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Access to Electoral Rights

Slovakia

Jana Kazaz

1. INTRODUCTION

The Constitution of the Slovak Republic in Article 30 guarantees for Slovak citizens ‘the right to participate in the administration of public affairs directly or through freely elected representatives.’ After accession to the European Union (EU), Article 30 was complemented with a sentence allowing aliens with permanent residence in Slovakia to have the right to vote and to be elected in regional elections.

Slovakia currently has five types of regular elections and one type of referendum, at national level:

- Elections to the National Council of the Slovak Republic (parliamentary elections)
- Elections to Self-Territorial Units (STUs – regional elections)
- Elections to Municipalities (local elections)
- Elections to the European Parliament (European elections)
- Election of the President of the Slovak Republic (presidential elections)
- Referendum

Until May 2014, all of the above mentioned elections were governed by a legislative act that regulated electoral rights, voter registration, voting, candidacy and electoral campaigns for each election separately. The oldest electoral law was from 1990, the most recent one from 2004, and all laws were amended multiple times. Leaving substantive discussion of the electoral system aside, the most problematic feature of electoral legislation in Slovakia was its terminological inconsistency, different regulation of the procedures, electoral campaign rules and financing.

While political parties have advocated a single electoral code on several occasions, there had not been a specific draft submitted to parliament on that matter until August 2013¹. On October 24, 2013 the Government requested to transfer the bill to the next parliamentary session in 2014. The new Act 180/2014 on Conditions of Exercise of Voting Right

¹ Legislative draft No. 659 delivered to the National Council on August 16, 2013.

(“Electoral Code”) was together with the new Act on Electoral Campaign 181/2014 adopted by parliament on May 29, 2014. An important fact about the two new acts is that they do not substantially change the existing electoral systems but merely unify procedural aspects of elections.

The Electoral Act unifies conditions for all six elections. It consists of nine parts, the first part introducing general principles and rules common to all elections, parts two to eight on specific types of elections, and the ninth part on provisional articles².

Perhaps the greatest novelty lies in the creation of a permanent commission to oversee elections, political party finances and campaigns. The commission will be composed of fourteen members, ten nominated by parliamentary political parties and four by the Constitutional Court, the Supreme Court, the General Prosecution, and the Supreme Audit Office.

Unfortunately, the law does not introduce alternative methods of voting (by internet or embassy), which would enfranchise a considerable number of Slovak citizens residing or travelling abroad. Until the new legislation had been adopted, voting by mail was allowed only in parliamentary elections. The new law introduced voting by mail also for referendums. However, the remaining four types of elections (European, regional, local and presidential) remain out of reach for Slovaks living or traveling abroad.

The Electoral Code also introduced a controversial requirement for mayoral candidates in local elections. Candidates for the post of mayor in local elections as of July 2014 must have completed at least a secondary level of education. Several Members of Parliament already announced their intention to challenge the constitutionality of this provision in the Constitutional Court³.

Lastly, from time to time, politicians open a discussion on more substantial changes to the electoral system. Usually this happens before parliamentary elections, when candidates promise to change the electoral system in order to strengthen the ties between voters and representatives. One example would be by redistricting Slovakia into multiple electoral constituencies. Unfortunately, the new Electoral Code does not change the fact that the Slovak Republic is one electoral constituency for the purpose of national and European parliamentary elections, nor does it introduce any other measure that would bring representatives closer to voters.

² There are seven specific parts, each devoted to one type of election; on the other hand, there are only six election types. The seventh type is a vote on the dismissal of the President of Slovakia. It was introduced at the same time as a popular vote for President. In 1999, citizens were not only given the right to directly elect a President, but also the right to initiate and vote for his or her dismissal.

³ A group of parliamentary opposition MPs led by former Minister of Justice Daniel Lipsic petitioned the Constitutional Court on July 18, 2014. Lipsic said that the education level requirement is not constitutional, since democracy means that all people can elect whomever they desire. Article available at: <http://m.teraz.sk/slovensko/stredoskolske-vzdelanie-starostovia-ussr/91833-clanok.html> (only in Slovak). Last accessed on August 22, 2014.

2. ELIGIBILITY: Who has electoral rights under national law?

Every citizen of the Slovak Republic, who is 18 years of age on the day of the election, has a right to vote in parliamentary, regional, European, local and presidential elections. In European, regional and local elections, foreign citizens with permanent residence are entitled to vote and be elected.

2.1. Citizen residents

2.1.1. Age

The voting age in all types of elections in Slovakia is 18 years. Legislation specifies that a person turning 18 on the day of the election has a right to vote.

The age limit for an elected official is 21 years for parliamentary and European elections, 40 years for presidential candidates and 25 years for mayors of cities and presidents of Self-Territorial Units. The age limit of candidates for deputies of local and regional councils is 18 years.

2.1.2. Mental Disabilities

Persons with mental disabilities have the right to vote or be elected, provided that they have not been found legally incapacitated by the decision of a court of law. This is a general rule for all voters.

If mental disability precludes a person from marking and casting the vote, he or she may be assisted by another eligible voter, provided that the latter does not serve on an electoral committee. For example, if someone is blind, or has a different disability that prevents him or her from reading or writing, another voter may help him or her mark and cast the vote.

In case a voter cannot come to vote at the designated polling place, especially because of health reasons, he or she can request the option to cast a vote into a “mobile” ballot box. This option may be activated by a voter, or his or her relative or neighbor, by informing the local electoral committee.

2.1.3. Persons convicted of criminal offences

In general, persons convicted of criminal offences have the right to vote in all elections. Pursuant to the Electoral Code, persons serving a prison sentence for a particularly serious crime as defined by the Criminal Code are disqualified from voting in all types of elections. Persons serving a prison sentence are precluded from exercising their right to be elected.

In February 2009 the Constitutional Court of the Slovak Republic delivered a decision, according to which citizens who, at the time of the elections, are imprisoned have a right to vote in parliamentary and European elections⁴. The Constitutional Court in the above mentioned decision stated that only imprisonment for particularly serious crimes may restrict the right to vote in parliamentary elections. The Court also confirmed that imprisonment or detention did not automatically deprive persons of their right to vote. However, imprisonment

⁴ No. PL US 6/08

did deprive them of the right to be elected, since, in case of election, it precludes the exercise of the mandate. The Court also declared that the right to vote for persons serving a prison sentence does not apply to local and regional elections, since people serving a sentence could not be present in their districts at the time of elections and are consequently not affected by the decisions of local councils and mayors⁵.

2.2. Citizens abroad

2.2.1. Residents in the country

With the exception of parliamentary elections and referendums all other types of elections do not allow absentee mail ballots. Casting an absentee ballot by mail was allowed only for parliamentary elections. The new Electoral Code equally applies to referendums.

In the case of European and presidential elections citizens without permanent residence can vote while in Slovakian territories at any electoral district and the vote is marked in the passport. Therefore, we cannot argue that the vote is strictly linked to permanent residence in these two cases. However, voters must be in Slovakia on election day.

2.2.2. Citizens residents who are temporarily absent

Citizens temporarily abroad may exercise their right to vote only in parliamentary elections and referendums by means of postal voting with an absentee ballot (s. 60 and s. 208 of Electoral Code respectively). Written petition for voting by mail has to be delivered to the municipality of permanent residence at least 50 days before the polling day. The petition has to be accompanied by two documents: 1. a declaration in Slovak that the voter has no permanent residence in Slovakian territories, and 2. a photocopy of the voters valid Slovak passport or a photocopy of a certificate of Slovak citizenship.

At least 35 days before the elections the respective municipality will send the voter a letter containing a ballot, a return envelope and guidelines on how to cast the vote. The voter casts the vote by picking the party list of the political party of his or her choice, putting the ballot into the return envelope and sending it back to the designated municipality.

2.2.3. Citizens who reside permanently abroad

Citizens with permanent residence abroad may exercise their right to vote in parliamentary elections and referendums (s. 59 and s. 207 of Electoral Code respectively), provided they apply for an absentee ballot from the Ministry of Interior at least 50 days before election day. The petition must be accompanied by two documents: 1. a declaration in Slovak that the voter has no permanent residence in Slovakian territories, and 2. a photocopy of the voter's valid Slovak passport or certificate of Slovak citizenship.

After receiving a valid application for registration, the Ministry of Interior will send the voter, at least 35 days before the election, a letter containing a ballot, a return envelope and guidelines on how to cast the vote. The voter casts a vote by marking the party list of the political party of his or her choice, putting the ballot into the return envelope and sending it back to the designated municipality.

⁵ http://portal.concourt.sk/Zbierka/2009/1_09s.pdf

Absentee ballots for elections from abroad are not possible in the case of any other elections. Slovak citizens with permanent residence in one of the EU Member States are entitled to participate in European and local elections.

2.3. Foreign residents

Foreign residents in the Slovak Republic have the right to vote and the right to be elected in regional and local elections only. In the case of these two elections Slovakia applies a principle of non-discrimination with regard to the electoral rights of foreign citizens. Foreign residents have to possess permanent residence in Slovakia by the day of the election and have to meet the same requirements as Slovak citizens in order to be eligible to vote.

In Slovakia, there are three types of permanent residence (“trvalý pobyt”), namely permanent residence for five years; permanent residence for an unlimited time period, and long-term residence⁶. While the first two can be obtained only by spouses or dependent family members of Slovak citizens with permanent residence in the territory of the Slovak Republic or foreigners with permanent residence permit, long-term residence status can be obtained by a foreign national:

1. who has legally continuously resided in Slovakia for at least 5 years directly prior to the submission of the application,
2. whose long-term residence was previously cancelled or expired due to legally stipulated reasons,
3. who has had a five-year legal uninterrupted residence in the territory of an EU Member State as a Blue Card holder⁷ and has resided in Slovakia as a Blue Card holder for at least two years prior to the submission of the application.

⁶ The Act No. 404/2011 Coll. on Residence of Foreigners as amended.

⁷ *Blue Card* is granted to highly qualified third country national for three years or if the work duration is shorter, for the respective time plus 90 days. Blue card entitles third country national to enter, reside and work on the territory of Slovak Republic, travel out and re-enter to Slovakia.

3. THE ELECTORAL RIGHTS OF EU CITIZENS

3.1. Local elections

The Slovak Republic has implemented Directive 94/80/EC without any derogation by Act No. 36/2002 that came into act on March 1, 2003. Act 36/2002 amended Act on municipal elections and altered the requirements for participation in elections from citizenship to permanent residence. The same law applies to the right to be elected. Therefore, EU citizens, as other foreigners with permanent residence in the Slovak Republic, have the right to vote in local and regional elections in the Slovak Republic.

3.2. EP elections for EU citizens residing in the country

Pursuant to the Electoral Code citizens of EU member states are entitled to vote in European Parliamentary Elections in the territories of the Slovak Republic provided that they fulfill the following criteria:

- must be at least 18 years of age on the day of the election
 - must possess a permanent residence permit in the Slovak Republic
 - are not legally deprived of voting rights in his or her original state⁸
- 1) An EU citizen already holding a permanent residence permit in the Slovak Republic and wishing to vote in the European elections in Slovakia may submit a registration form with the required documents. Subsequently he or she will be enrolled into the electoral register in the municipality of the voters' place of permanent residence. Applications for enrollment into the Electoral Register must be submitted to the municipal office at least 40 days before the election day. (s.75).
 - 2) An EU citizen without a permanent residence permit who is staying in territories of the Slovak Republic for more than three months and who wishes to vote in the European elections must request a permanent residence permit.

3.3. EP elections for national citizens abroad

National citizens abroad in another EU member state have the right to vote in the respective EU member state under the same conditions as national citizens. Slovak Electoral Code does not give the possibility for national citizens abroad to vote in Slovak EP elections without being present in the territories of the Slovak Republic on election day. In other words, there are no other types of voting other than being personally present in the Slovak Republic in order to cast the vote in EP elections.

3.4. Regional and other elections

⁸ Section 72 of the Electoral Code

EU citizens residing in the Slovak Republic are entitled to vote in regional and local elections, provided that they meet the general conditions outlined above. In terms of regional and local elections the right to vote or to be elected is not limited to citizenship, but to permanent residence. Therefore, resident aliens who hold a valid permanent residence permit may vote under the same conditions as Slovak citizens. Unlike other Member States such as the United Kingdom, Portugal or Spain, there are no special rules or exceptions in general for EU citizens or nationals of selected countries..

4. EXERCISING ELECTORAL RIGHTS

As mentioned above, in 2014 the National Council of the Slovak Republic adopted a single Electoral Code that formulates principles for all types of elections. The Code consists of an introductory (general) part, with content that applies to all elections, and then specific parts addressing each type of election separately⁹.

The general part formulates principles of electoral law that apply to all types of elections: Eligible voters have a general, equal and direct right to vote by secret ballot (s.2). Everyone who is at least 18 years of age on the day of election has a right to vote (s.3). Voting in parliamentary elections, referendum and presidential elections is restricted to citizens only. European, regional and local elections are open to foreign citizens who hold a permanent residence permit.

The general part of the Electoral Code specifies impediments to the right to vote that apply to all types of elections (s.4):

1. a lawful restriction of individual freedom on the grounds of the protection of public health;
2. imprisonment for a particularly serious crime¹⁰;
3. deprivation of legal capacity.

The right to be elected, especially when it comes to the age of a candidate is regulated for each election separately. However, the general part lists impediments to the right to be elected that apply to candidates in all types of elections (s.6):

1. serving a prison term;
2. a lawful sentence for a premeditated criminal act;
3. deprivation of legal capacity.

General electoral registration procedure

A permanent electoral register is prepared and kept by municipalities, who automatically register all eligible voters residing in the municipality. Voter may be registered only in one

⁹ In part 4, the text applies to all types of elections. In order to avoid repeating ‘all types’, simply ‘elections’ are used. If not stated contrary, the rule applies to all elections on Slovakian territory.

¹⁰ *Particularly serious crime* is defined in Section 11 (3) of the Criminal Code 300/2005: “A crime carrying a custodial penalty of more than ten years under this Act shall be considered as a particularly serious crime.”

permanent register only; in alphabetical order according to their surnames. It includes the following information about each voter: name, surname, birth ID (if it is a foreign citizen then date of birth), citizenship, and address. The register is updated by the municipality based on announcements from public administrations, data collection and results of appeal procedures.

The municipality will erase from the register a person who registered for permanent residence in another municipality, has passed away or was declared as deceased by a court, or ceased to have permanent residence in the territory of the Slovak Republic. Voters may request to monitor their personal information that was entered into the register. If the data entered is not correct, the elector has a right to request a correction. In such cases the municipality must correct the data or justify within three days why it has not made the requested corrections. The elector also has a right to appeal to the Court with a petition to change or correct a data entry in the permanent electoral register.

A list of eligible voters is therefore automatically prepared by municipalities from the permanent electoral registers (s.11). Voters who come to a polling station with a voting certificate, a decision of the court or an ID certifying their place of permanent residence are added to the list of eligible voters.

The new Electoral Code established a new permanent body, the State Commission for Elections and Control of Financing of Political Parties (“the State Commission”), which is entrusted to manage all elections.

General voting procedures

Elections are announced through an official publication in the Collection of Laws of the Slovak Republic. Elections are conducted in one day, Saturday, from 7 am to 10 pm. In exceptional situations the mayor of the municipality may open polls up to two hours earlier than stated in the Electoral Code. Voting must be done in person, voting by proxy is forbidden.

Municipalities have the responsibility to inform voters of upcoming elections, no later than ten days after the elections have been announced, either through a public noticeboard or website. In regions with large numbers of national minorities the notices must be published in the minority language as well. The municipality must deliver to each household, at least 25 days before the election, information announcing the time, district and polling station. The voting pack also includes a short manual on how to cast a vote and a reminder that an ID is obligatory.

After entering the polling station, the voter establishes his or her identity and signs next to his or her name on the list of eligible voters. Each voter is given a ballot and envelope. The voter then enters a designated space for marking the ballot (a voting booth). This procedure is mandatory, the electoral committee does not allow the voter to mark a vote outside of a voting booth.

Elections (with the exception of presidential elections) must be declared at least 110 days before election day. Voters mark ballots by circling the chosen candidate. Damage to the

ballot or envelope does not result in the invalidation of the vote, nor do additional written (drawn) marks on the ballot¹¹.

For serious reasons, in particular health complications, a voter may request that the electoral district commission send to his or her home two electoral representatives with a portable ballot box, envelopes and ballots. The Constitutional Court has ruled that there is no time limit in requesting to vote with a portable ballot box and that if the reasons exist, a voter may request this service any time before, and even throughout election day, until the vote is over¹².

If a voter is unable to vote due to a physical disability, or an inability to read or write, the voter has the right to be accompanied into the voting booth by another voter, who is not a member of the electoral district commission, in order to mark his or her ballot as he or she instructs and to place it in the envelope. If a voter is unable to place the envelope into the ballot box they may request that it be done on his or her behalf and in his or her presence by another voter who is not a member of the electoral district commission (s.24/6,9).

For a voter who is a resident in a health care facility, a social services or similar facility, or who is detained in a police cell or pre-trial custody, the electoral district commission for the electoral district where the facility is located must ensure, in cooperation with the head of the facility, that the voter has an opportunity to exercise her or his right to vote. In cases where the voter does not have permanent residence status in the electoral district and requests to exercise the right to vote, he or she may vote by means of a voting certificate.

4.1. Elections to National Council of Slovak Republic

4.1.1. Voter registration

Citizens who do not have permanent residence status in the Slovak Republic are registered in a special register of voters that is maintained by the Ministry of Interior. This is one of the changes introduced by the new Electoral Code adopted in 2014. Previously the special register was maintained by the city of Bratislava – Petržalka.

4.1.2. Casting the vote

For the purpose of parliamentary elections, the territory of the Slovak Republic constitutes a single electoral constituency, which is divided into electoral districts and polling stations for the casting and counting of votes. A voter may vote in the territory of Slovakia either 1) in the electoral district where he or she is registered, or 2) in another electoral district by using a voting certificate.

Voters cast a vote in the municipality of their permanent residence. If a voter is not able to vote in the electoral district of registration, he or she may request from his or her municipality a voting certificate (s.46). In such cases the voter is deleted from the electoral register and a note about the issuance of the voting certificate is added to the register. Such a

¹¹ There is a ruling of the Constitutional Court on this matter. In Decision PL US 104/2011 issued on October 19, 2011 the Court stated that if a voter, in addition to the required mark on the ballot, draws something on the ballot, or underlines the name of the chosen candidate, the ballot is considered valid.

¹² Decision PL.US 10/07 issued on April 16, 2008

deletion is valid only for the period of voting by certificate. A voter may request a voter certificate either in person or by proxy not later than the last working day before elections, or in written or electronic form no later than 15 days before the election. A voting certificate entitles the holder to be registered in the electoral register of any other polling district. Such an entry is only valid for the period of voting by certificate.

A voter may also vote outside the territory of Slovakia by mail. An absentee ballot may be cast by 1) a voter without a permanent residence in Slovakia and who at his or her own request has been registered in the special electoral register or 2) a voter with permanent residence in the Slovak Republic who is temporarily abroad on election day and who requests an absentee ballot from the municipality in which he or she has permanent residence.

A voter must come to the polling station in person; it is not allowed to vote by proxy. For each political party or coalition a ballot is produced with a list of registered candidates. An elector voting in the territory of the Slovak Republic receives the ballot at the polling stations on election day and he or she takes it into a voting booth. Inside the voting booth the voter marks the ballot, no more than four candidates may be circled (four preferential votes), and then places it into the envelope provided. Lastly, the voter leaves the booth and places the envelope in the ballot box in front of the polling district commission.

4.1.3. Running as a candidate

A person running as a candidate for a Member of Parliament must be a citizen of the Slovak Republic and be at least 21 years of age on the day of the election with a permanent residence in the Slovak Republic. A candidate may run only on the party list of a registered political party or coalition. If a political party joins a coalition and together with other coalition partners submits a single candidate list the political party may not submit a separate candidate list.

A political party or coalition must submit a list of candidates (no more than 150) and pay the deposit (EUR 17,000) by its proxy to the Secretary of the State Commission no later than 90 days before the day of the election. The deposit is returned to a political party or coalition if it obtains at least two per cent of the valid vote or to a political party or coalition that was not registered. The list of candidates, in order to be registered, must be accompanied by:

1. A declaration signed by each candidate that he or she agrees to candidacy, is not listed with another political party and is not aware of any impediment to her or his right to be elected;
2. Confirmation of payment of the deposit;
3. A notice on the selection of the proxy, and her or his deputy.

The State Commission reviews the submitted lists and removes candidates that do not meet the requirements stated in the Electoral Code:

1. There is an existent impediment according to s.6 of the Electoral Code (serving time in prison; lawful sentence for a premeditated criminal act; deprivation of legal capacity)
2. The candidate does not meet conditions under s.43 of the Code (is either not a citizen, not 21 years old or does not have permanent residence in Slovakia),
3. Missing the declaration that he or she agrees with the candidacy, meets the conditions required and are not running on the list of another political party or coalition,
4. The candidate is listed for more than one political party.

5. The candidate is listed as the 151st candidate or higher.

If the State Commission decides to reject the registration of a list of candidates the political party or coalition may petition the Court. Approved lists of candidates submitted by political parties are numbered.

A political party, coalition, or the candidate himself or herself may withdraw a candidate from its list by written notification. This may be done no later than 48 hours before the start of polling.

4.1.4. Assimilated or special representation of citizens residing abroad

Citizens who do not have permanent residence in the Slovak Republic are registered in a special register of voters that is maintained by the Ministry of Interior. A voter is registered in this register at his or her own request, which must be made no later than 50 days before election day.

4.2. Regional Elections (Elections to Self-Administration Territorial Units)

4.2.1. Voter registration

Regional elections are held on the basis of a simple majority. Citizens of the Slovak Republic and foreigners with permanent residence in a municipality in the territory of Self-Administration Territorial Unit (“STU”) have the right to vote in regional elections. Voters are registered automatically.

The age limit for the active right to vote is 18 on the day of election. The minimum age for standing as candidate for the regional council is 18, and 25 for candidates to the post of President of STU.

4.2.2. Casting the vote

For elections of the Council of STUs a multi-mandated constituency is created in each self-government region. Deputies of the Council of STU are elected proportionally to the population of each STU. In each electoral district all candidates names are printed on one ballot and candidates and their details must be printed on one side of the ballot. The voters are given ballots inside the polling station on the day of the election.

For the purpose of the election of the President of the STU, each STU represents one single-mandate constituency.

4.2.3. Running as a candidate

To run for deputy of Council a candidate must be a permanent resident in the municipality of the election district where he or she is running. A candidate for the President of the STU can also run for the Council.

A candidate registration form must be submitted by a registered political party or by an independent candidate no later than 55 days before the day of the election. Political parties may enter into a coalition. The registration must include a declaration by each candidate approving his or her candidacy and declaring that he or she is not running on another party

ticket and is not aware of any impediment to his or her right to be elected. In addition to these declarations it must include a notation on the proxy and his or her deputy.

A political party may only register the same number of candidates as the number of deputies of Council that are to be elected in the corresponding constituency.

An independent candidate's registration form must also be accompanied by a petition, signed by at least 400 voters from his or her constituency. Each signature must be accompanied by the full name of the voter and their permanent address.

Registration is denied if the candidate

1. Does not meet the conditions for the right to be elected (permanent residence or age limit)
2. Is disqualified due to legal impediments for the right to be elected as stated in s.6 of the Electoral Code;
3. Is listed on the registration forms of more than one political party or coalition
4. Exceeds the highest possible number of deputies to be elected;
5. Runs independently and has not included the required petition with signatures supporting her or his candidacy.

For the purpose of the election of the President of the STU, each STU represents a single-mandate constituency. A registration form must be submitted by a registered political party or by an independent candidate. Political parties or coalitions may each nominate one candidate only. The conditions are essentially the same as in the case of the Council with the minor difference that independent candidates must gather the signatures of 1,000 voters.

4.3. Local Elections (Municipal Elections)

4.3.1 Voter registration

Local elections are held on the basis of a simple majority. According to the law, citizens and permanent residents have the right to vote and to be elected in local elections. To be more specific, the term the law uses for the purpose of local election is 'resident'. This word comprises both citizens and foreign citizens having permanent residence in the municipality.

The age limit for the active right to vote is the same as in parliamentary elections, 18 years on the day of the election. The age threshold for the right to be elected is 18 for candidates to local councils, and 25 for candidates to the post of mayor. In addition, the latter have a high school diploma. The educational requirement for mayoral candidates is currently being challenged at the Constitutional Court.

4.3.2. Casting the vote

A single ballot is made for all registered candidates. All candidates are printed on the same side of the ballot and candidates are listed on the ballot in alphabetical order according to their surnames. Information on the ballot includes name, surname, title, age, occupation, nominating political party or coalition, or independent candidate status. On the day of the election voters will receive the ballot at the polling station from the local election commission.

4.3.3. *Running as a candidate*

- For a deputy of a local council

Registered political parties and independent candidates may run as candidates in local elections. The registration form must be delivered to the local election committee in person, by proxy of the political party or by the independent candidate no later than 55 days prior to the election.

In local elections political parties may run in coalition with other parties. A political party may include in the registration form as many candidates as are to be elected for deputies of a local council.

The registration must include a signed declaration by each candidate approving his or her candidacy and declaring that he or she is not running on another party ticket and is not aware of any impediment to his or her right to be elected. In addition to these declarations it must include a notation on the proxy and his or her deputy, by whose actions the political party or coalition will be legally bound.

The registration form of an independent candidate must also include a petition signed by voters supporting the independent's candidacy. The number of required signatures is stated in the Annex of the Electoral Code. Each signature must be accompanied by the voter's full name, date of birth and permanent address.

Candidates for deputies to the local council must have permanent residence in the municipality where they run for office. A candidate for deputy may be at the same time a candidate for mayor.

The local election commission examines all registration forms filed and will not register the candidate if he or she fails to meet the requirements listed in the Electoral Code, either in the general (introductory) part that applies to all elections, or in parts specifically stating registration requirements as listed above. The commission will not register a candidate that:

1. Cannot be elected because of impediments mentioned in Section 6 of the Electoral Code. These are: imprisonment, lawful sentence for a premeditated criminal act and deprivation of legal capacity. These three conditions preclude the right to be elected in general for all kinds of elections;
2. Does not meet the requirement of section 164 of the Electoral Code, which is that the candidate for deputy must be of at least 18 years old on the day of the election and have permanent residence in the municipality;
3. Is registered as candidate by more than one political party or coalition. In such a case the committee will delete her or his name from all lists;
4. Exceeds the highest possible number of deputies to be elected;
5. Runs independently and has not included the required petition with signatures of voters supporting her or his candidacy.

The local election commission registers candidates no later than 45 days before the elections. Printing of the ballot is dependent on the registration of candidates. The registration must be validated by the electoral commission. The Decision is collected by proxies of political parties or independent candidates within 24 hours.

A nonregistered independent candidate or political party may petition the Court to deliver a decision on the registration of the candidate. If the Court decides on the registration of the candidate, the local election committee executes the decision of the Court within 24 hours of its delivery.

The local election commission publishes the register of registered candidates no later than 25 days before polling day.

A political party or coalition may withdraw its candidacy no later than 48 hours before the election. The same applies to independent candidates and the revocation of individual candidates by political parties.

- For the Mayor

A registration form for the election of Mayor of the municipality can be filed by a political party or an independent candidate. The registration form has to be delivered at least 55 days before the election by proxy or by the candidate in person. Each political party can nominate only one candidate.

Registration forms must be accompanied by the candidate's declaration that they agree with their candidacy and that they do not run on behalf of another political party. Independent candidates must include a petition signed by a required number of voters. The municipality publishes the required numbers of signatures at least 85 days before the election.

In the same manner as with candidates for deputies, the local election commission examines the registration forms and will not register candidates failing to meet requirements set by the Electoral Code. Registration, Court review and withdrawal rules are essentially the same as for deputies.

4.4. Elections to European Parliament

4.4.1 Voter registration

As in the case of other elections in Slovakia, the voter registration for Slovaks with permanent residence in Slovakia is automatic. They appear in the lists of eligible voters prepared by the municipalities of their permanent residence.

The Electoral Code stipulates that citizens of other EU member states with permanent residence in Slovakia are registered upon their application. Application has to be delivered to the municipality of their permanent residence at least 40 days prior to the election; otherwise the voter loses the right to be registered.

4.4.2. Casting the vote

For the purpose of elections to the European Parliament, the territory of the Slovak Republic constitutes a single electoral constituency. One ballot is prepared for each registered political party or coalition. At the polling place the voter's identity is verified and he or she is presented with an envelope and one ballot per each registered political party and coalition. The voter selects one ballot and puts it into the envelope. The vote is then cast by placing the envelope into the ballot box.

4.4.3. Running as candidate

Citizens of the Slovak Republic who are at least 21 years of age on the day of the election and are a permanent resident in the Slovak Republic can run for election, as long as there are no obstacles as stated in the Act on the Elections to the EP concerning the right to vote.

Citizens of the EU residing in the Slovak Republic who are at least 21 years of age on the day of the election and who enjoy the right to vote in their Member State can run for election, as long as there are no obstacles as stated in the Act on the Elections to the EP concerning the right to vote.

Only a political party registered according to the Act on Political Parties (No. 85/2005 Coll. as amended) can nominate candidates. More than one political party can agree on a common list of candidates and thereby create a coalition for the elections.

A deposit of EUR 1,700 must be deposited by the political party before it submits the list of candidates to the State Commission. The Ministry of Interior will return the deposit, within one month of the elections, if the political party receives at least two percent of the vote

4.5. Presidential Elections

All Slovakian citizens with the right to vote in parliamentary elections have also the right to vote in presidential elections. Unlike in case of other elections, the Electoral Code stipulates that the Speaker of the National Council must announce the election at least 55 days before the day of the election.

4.5.1. Voter registration

Voter registration is automatic, as for other types of elections. The list of eligible voters is prepared on the basis of the permanent electoral register kept by each municipality. As in other elections, voters with election certificates or by decision of the court are added to the list of eligible voters. However, for presidential elections the law allows citizens of the Slovak Republic without permanent residence to come to any electoral district with a passport and declaration of permanent residence abroad and vote. In such case, the electoral committee marks the vote in the passport (s.107/4).

4.5.2. Casting the vote

The presidential election comprises two rounds. One ballot listing all candidates for President is prepared for the first round of presidential elections. In a ballot booth a voter circles the number next to the candidate he or she chooses and places the ballot into an envelope. The envelope is then cast into a ballot box.

If in the first round no candidate receives an absolute majority of all valid votes, a second round will take place within fourteen days. In the second round there are 2 names printed on the ballot. The candidate obtaining a simple majority of votes wins of election.

4.5.3 Running as candidate

Pursuant to the Constitution of the Slovak Republic, any citizen of the Slovak Republic, who can be elected as an MP to parliament and has reached the age of 40 on the day of elections, may be elected as President. The same person may be elected as President for no more than 2 consecutive electoral terms.

Presidential candidates must be nominated by no less than fifteen Members of Parliament or by a petition signed by at least 15,000 citizens who have the right to vote in parliamentary elections. The nominations are submitted to the Speaker of the National Council no later than 21 days after the elections have been called. The Speaker examines the proposal within seven days of its submission and provided the proposal meets the requirements stipulated by law, the Speaker must accept the proposal. If the Chairman rejects the proposal, the candidate can file a motion requesting a reversal with the Supreme Court of the Slovak Republic within three days of the delivery of the Chairman's decision.

The Candidate for the President may resign his candidature in writing no later than 48 hours before the start of the first round of the election. The candidate delivers the declaration of resignation to the Speaker of the National Council. The pre-election campaign begins fifteen days and ends 48 hours before the start of the election.

CONCLUSION

The present report examined and described the rules and procedures regulating access to electoral rights in all types of elections held in Slovakia. In comparison with European standards, the franchise may be characterised as rather inclusive in relation to non-citizen residents and restrictive in regards to Slovak citizens who are temporarily absent on election day or reside permanently abroad.

Regarding the first aspect, Slovakia grants the right to vote and to stand as candidate to all foreign residents who hold permanent residence status not only in local, but also in regional elections. In sharp contrast, non-resident citizens enjoy limited access to the franchise. They are entitled to vote from abroad, following a prior registration, in national parliamentary elections and, since the 2014 reform, in national referendums as well. Besides, postal voting is the only method available to them, and recent calls for introducing electronic voting have not borne fruits.

