

CZECH REPUBLIC

I. System of Government

1. The Czech Republic is a unitary republic with a parliamentary form of government.
2. The President is head of state and is elected for a five year term by the members of both chambers of parliament (the Chamber of Deputies and the Senate) in joint session. The President is allowed to seek a single re-election. Election is by a two round system with the provision for a third round, if necessary. New elections are held if no President is elected after the third round.
3. Executive power is vested in the Government consisting of the Prime Minister, Deputy Prime Ministers and Ministers. The Prime Minister is the head of government. The Government has the power to issue decrees (subordinate legislation) to implement laws passed by Parliament. As countercheck of the exercise of its executive power, the Government is held accountable to the Chamber of Deputies.
4. Legislative power is vested in Parliament (*Parlament České Republiky*) composed of two chambers: the Chamber of Deputies (*Poslanecká Sněmovna*) and the Senate (*Senát*).
5. There are 200 seats in the Chamber of Deputies whose members are elected directly by secret ballot for a four year term. Deputies are elected from each of the country's 14 voting districts using an open list proportional representation system with a D'Hondt seat allocation method. Voters are allowed to indicate their preference for two individual candidates included in their chosen party list. There are voting support thresholds to qualify for seat allocation of 5 percent of total votes for a single party and 7 percent of party votes for a candidate within a party. Elections to the senate are by a two round system in 81 single member electoral districts. One third of the senate is elected every two years. Local government elections have been held every four years since 2000.
6. There were 8,333,305 voters for the June 2006 election for the Chamber of Deputies.

II. Electoral Legal Framework

7. Elections in the Czech Republic are governed by the Constitution (Dec. 1992), laws passed by Parliament, decrees issued by government and implementing rules and guidelines issued by the electoral management body.
8. The Constitution provides for the basic legal provisions on citizenship, creation and composition of parliament, elected offices and terms of office, and the procedure for election of the President including the term of office. The significant laws passed by Parliament governing elections are the following: Law on Elections to Parliament (247/1995), Act on Elections to Municipal Assemblies (491/2001), Act on Elections to Regional Assemblies (130/2000), Act on Operation of Radio and TV Broadcasting (231/2000), Press Law (46/2000), Civil Procedure (99/1963) and Criminal Code (140/1961).

III. Electoral Management Body⁵

9. Elections in the Czech Republic are implemented by the State Election Commission (SEC) created

⁵ Information in this section of the case study is derived from OSCE/ODIHR EOM Final Report on the 2002 Parliamentary Elections

under the Law on Elections to Parliament (247/1995), as amended. After the 1998 elections the former electoral management body—the National Election Board, which contained political party representatives—was replaced by the 10 member SEC, which is chaired by the Minister of the Interior. Representatives of the Office of the President, the Czech Statistical Office and other ministries are the other members.

10. The SEC is in charge of the over-all management and conduct of elections. It has the mandate to: ensure compliance with electoral law, determine complaints and appeals on actions of regional electoral management bodies, calculate and determine election results and advise these to parliament, confirm elected candidates, and perform other duties as provided by law.
11. Election implementation responsibilities are split between government agencies. For example, the Ministry of Interior provides organizational and technical guidelines, the Czech Statistical Office develops software for and processes vote counts, municipal offices provide the lists of voting stations, voting station staff and voting materials, mayors are responsible for distributing ballots to all voters before election day and filling voting station staff positions not filled by political party nominees. Special voting provisions—in prisons, rest homes, hospitals, military bases and similar, are administered by the Ministry responsible for the relevant institution. For overseas voting, special constituency commissions are created in Czech diplomatic and consular offices abroad. These do not include political party representation.

IV. The Right to Vote

12. Czech Republic citizens who are at least 18 years old as at the second day of the elections (voting is held on two consecutive days) are qualified to register and to vote in elections. Citizens disqualified from voting are those whose personal liberty is restricted by law on the grounds of public health (e.g., in order to prevent the spread of an infectious disease) or if they are incapable of performing a legal act. Non-Czech citizens who are residents of the Czech Republic can vote in local elections.
13. Voting is not compulsory, and voters vote in person at a designated voting station using ballots mailed to them pre-election (or if not received in this manner, issued at the voting station). Voters may register in their municipality to cast an absentee ballot elsewhere on an election day. Czech citizens living abroad may vote in the Chamber of Deputies election only, at voting stations at Czech missions and offices abroad. Overseas votes are all allocated to a single constituency chosen by lot for each election.

V. System and Procedure of Voter Registration

14. Voter registration is primarily state initiated although individuals may initiate their own registration as voters if their names are not included in the electoral register. Being state-initiated, voter registration within the Czech Republic is compulsory. However, voter registration in Czech diplomatic and consular offices is voluntary. The registration of voters is administered by local municipal offices through a permanent registry of citizens that is updated annually and closed to amendment two days before the first election day. Municipal authorities compile and update separate lists of citizens on the basis of their area of residence (e.g. Buildings and blocks).
15. The names of qualified voters are entered into a “Permanent Electoral Roll.” The permanent electoral roll is not available for public inspection due to rules for protection of personal data, although a qualified voter who does not find his/her name in the roll may apply before the municipal office for the inclusion of his/her name in the permanent electoral roll. If the application for inclusion is denied, the qualified voter may file a complaint before the District Court.

16. Voters whose names are not included in the permanent electoral roll may also directly apply for registration as a voter to the voting station commission on election day, upon presentation of sufficient proof of identity, citizenship and residence. A voter may not be listed in the electoral roll for more than one voting station. Municipal authorities are responsible for providing the relevant electoral roll extracts to the appropriate voting station commissions.
17. Local municipal offices also maintain a “Register of Persons Unable to Vote Locally” that contains the list of voters who are unable to vote locally for various reasons. Voters whose names are listed in the Register of Persons Unable to Vote Locally include the following:
 - a. those who are not permanently residing within the Czech Republic;
 - b. those who are doing compulsory military service or some alternative civilian service within the area of the municipality;
 - c. those who are in a local hospital, residential-home, rest home, or a similar medical facility within the municipality;
 - d. those in custody or detention in the municipality; and
 - e. those who opt to vote outside of their own municipality. Registered voters who will be away from their place of residence on election days may request inclusion on the Register of Persons Unable to Vote Locally and to be issued with a non-local voting permit allowing them to vote at any other voting station. The non-local voting permit is surrendered to the ward election board in the voting station where the voter casts his/her vote. The surrendered local voting permit is thereafter enclosed with the extract from the Register of Persons Unable to Vote Locally.
18. Municipal authorities update the Register of Persons Unable to Vote Locally based on information provided by military commanders, police records and heads of institutions not later than seven days before the date of elections.
19. A Special Electoral Roll is also maintained by Czech diplomatic and consular offices abroad for qualified overseas voters. Czech citizens living or working abroad may apply in person for registration as a voter on this Roll to the relevant Czech diplomatic or consular office not later than 40 days before the date of the elections. Ten days thereafter, or 30 days before election day, the diplomatic or consular office closes the Special Electoral Roll.

VI. Data Management and Storage

20. Local municipal and city authorities are responsible for the registration of voters and maintenance of the Permanent Electoral Roll extracted from the citizen register and the maintenance of the Register of Persons Unable to Vote Locally.
21. A separate electoral roll for the elections to the European Parliament is also maintained by the municipal and city authorities.

VII. Data Management Technology

22. The Czech Republic uses computer technology for the maintenance of its civil registry database. However, no published data on data management technology was available for review for this study.

VIII. Types of Voters List Generated

23. The Permanent Electoral Roll, the Register of Persons Unable to Vote Locally, and the electoral roll for the elections to the European Parliament are extracted from the citizen register and maintained by the local municipal office. The relevant electoral roll extracts are provided by the municipal authorities to the appropriate voting station commissions before the actual conduct of the elections.

Czech diplomatic and consular offices abroad maintain a special electoral roll for overseas voters. Overseas voters who intend to vote elsewhere other than the diplomatic post where he/she is registered may request the issuance of a voters card not later than seven days before election day. The voters card will enable the overseas voter to vote anywhere within the Czech Republic.

IX. Proof of Registration

24. A person whose name is already included in the permanent electoral roll is not issued any proof of registration as the inclusion of his/her name in the permanent electoral roll prepared by municipal authorities is the proof itself of his/her voter registration. Voters unable to vote in their permanent place of residence are listed in the Register of Persons Unable to Vote Locally and are issued non-local voting permits as proof of their registered status and right to vote in any voting station outside of their regular place of residence. The inclusion of the overseas voter's name in the special electoral roll maintained by Czech diplomatic and consular offices abroad also stands as proof of the registered status of the voter.

X. Maintenance of Voters List

25. As a matter of procedure, the electoral rolls are updated periodically (at least annually) by the municipal authorities. However, the registration system contains a procedure for continuous update upon the initiative of the voter. A qualified voter who does not find his name in the permanent roll is entitled to request the municipal authorities for his/her inclusion in the roll anytime before the close of rolls. As a last resort, he/she may register before the voting station commission itself on the date of election upon presentation of proof of identity. In addition to the periodic update, the Register of Persons Unable to Vote Locally is continuously updated upon the instance of the voter or upon receipt of information provided by military commanders and heads of institutions.
26. The Special Electoral Roll for overseas voters maintained in the Czech diplomatic and consular offices is closed 30 days before election day. It is then transmitted to the Ministry of Foreign Affairs for examination of possible duplicate entries. The final Special Electoral Roll is then forwarded to the Ministry of Interior not later than 20 days before election day for verification with the Permanent Electoral Roll. Inclusion in the registration of the overseas voter in the Special Electoral Roll results in the cancellation of the voter's registration in his/her place of residence within the Czech Republic.

XI. Quality Assurance Mechanisms

27. The quality assurance mechanism for voter registration is built in the civil registry system from where the electoral rolls are extracted. The data contained in the Permanent Electoral Roll, the Register of Persons Unable to Vote Locally and the Special Electoral Roll for overseas voters are compared in order to detect multiple registration.

XII. Transparency and Accessibility to the Public

28. The Permanent Electoral Rolls and the Register of Persons Unable to Vote Locally are not accessible to the general public on the basis of Act No. LXIII of 1992, a law protecting the privacy of personal data or information. Thus, the electoral rolls are not published prior to elections. However, each individual voter is allowed to inspect the electoral rolls to determine whether or not he/she is included in the rolls and to update the information contained therein.

XIII. Voter Education

29. Voter education and information campaigns are conducted during the election period by the State Election Commission, the regional, district and municipal electoral management bodies as well as the media. The Ministry of Interior and the Czech Statistics Office are charged with the preparation of electoral education materials for voters. No information could be located on any specific campaigns implemented to inform people about voter registration or to check that they appear correctly on the permanent electoral rolls.

XIV. Voter Registration Cost

28. No published data on voter registration cost was available for review.

XV. Performance Standards

29. No published data on performance standards was available for review.

XVI. Performance of the Voter Registration System

30. Election Observation Missions of the OSCE/ODIHR to the 1998 and 2002 Czech parliamentary elections observed no problems as far as the quality of the electoral rolls are concerned or the usage of the non-local voting permits. Notwithstanding the foregoing, they still recommended that the electoral rolls should be made public while safeguarding personal data at the same time in order to improve transparency, help ensure accuracy, and serve as an added safeguard against any attempts at the manipulation of the electoral rolls.