

ACT 275

of 18 July 2012

**on Election of the President of the Republic and on Amendment to Certain
Acts****(the Presidential Elections Act)**

The Parliament has enacted the following Act of the Czech Republic:

PART ONE**ELECTION OF THE PRESIDENT OF THE REPUBLIC****CHAPTER I****GENERAL PROVISIONS**

§ 1

Subject Matter

This Act regulates the conditions for exercising the right to vote during the elections of the President of the Republic (hereinafter referred to as “the presidential elections”), details on nominations of presidential candidates, announcement and conduct of the presidential elections and the declaration of the election results and judicial review.

§ 2

Voting Time and Place

- (1) Voting during presidential elections in the territory of the Czech Republic shall take place in permanent electoral districts and in separate electoral districts created pursuant to a separate legal regulation¹ (hereinafter referred to as “electoral districts”).
- (2) Voting in presidential elections outside the territory of the Czech Republic shall be conducted in special permanent electoral districts created pursuant to a separate legal regulation² (hereinafter “special electoral district”).
- (3) In the territory of the Czech Republic, presidential elections shall be held on two days, i.e. on Friday and Saturday. On the first day, the polls shall open at 14:00 and close at 22:00. On the second day, the polls shall open at 8:00 and close at 14:00.
- (4) Outside the territory of the Czech Republic, presidential elections shall be held on two days, those two days being
 - a) Thursday and Friday, with the polls opening at 14:00 and closing at 21:00 local time, if the polls are held in a territory according to

¹ Sec. 26 of Act No. 491/2001 Coll., on Elections to Municipal Councils and on Amendment to Certain Acts, as amended by Act No. 275/2012 Coll.

²Sec. 3 (2) of Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amendment to and Supplement of Certain Acts, as amended by Act No. 204/2000 Coll.

- paragraph 2, where the time lag is more than 4 hours compared to the time in the territory of the Czech Republic,
- b) Friday, with the polls opening at 12:00 and ending at 22:00 local time, and on Saturday, with the polls opening at 8:00 and closing at 12:00 local time, if the polls are held in a territory according to paragraph 2, in which the time lag is not more than 2 hours compared to the time in the territory of the Czech Republic,
 - c) Friday, with the polls opening at 14:00 and ending at 22:00 local time, and Saturday, with the polls opening at 8:00 and ending at 14:00 local time, in any other territory according to paragraph 2.
- (5) The presidential elections day shall mean the first day of the presidential elections in the territory of the Czech Republic, unless stated otherwise by this Act. Voting times and election days pursuant to this Act shall not be in any way affected by the voting times abroad.

§ 3

Announcement of Elections and Constituency

- (1) The President of the Senate shall announce the date of presidential elections by publishing the decision to announce presidential elections in the Collection of Laws, whereas the prospective second round shall not be held later than 30 days before the end of the term in office of the incumbent President. The date of the announcement of presidential elections shall mean the day on which the chapter of the Collection of Laws featuring the decision to announce presidential elections is distributed.
- (2) For the presidential election, the territory of the Czech Republic shall form a single constituency.

§ 4

The Right to Vote

- (1) Voter means any citizen of the Czech Republic (hereinafter referred to as a “citizen”) who is at least 18 years old as of the second day of the presidential elections. Any citizen who is at least 18 years old as of the second day of the second round of presidential election may vote in the second round.

- (2) The right to vote shall be limited by the
- a) statutory restriction of personal freedom due to the protection of public health³), or
 - b) withdrawal of legal capacity⁴).

§ 5

Limitation of the Right to Stand for Election

The right to stand for election shall be limited by the withdrawal of legal capacity⁴).

CHAPTER II

ELECTORAL AUTHORITIES

§ 6

Structure of Electoral Authorities

- (1) Electoral authorities as defined by this Act comprise:
- a) State Election Commission,
 - b) Ministry of the Interior,
 - c) Ministry of Foreign Affairs,
 - d) Czech Statistical Office,
 - e) Regional authorities and the Municipal Authority of the City of Prague (hereinafter referred to as “regional authorities”),

³ For instance Act No. 372/2011 Coll. on Health Care Services and the Conditions for its Provision (Health Care Services Act); Act No. 258/2000 Coll., on Public Health Protection and the Amendment to Certain Related Acts, as amended.

⁴ Sections 10 and 855 of Civil Code

- f) Designated municipal authorities⁵, in the City of Prague and in Brno, Ostrava and Plzeň, the authority of a city district or city borough with more than ten permanent electoral districts, otherwise the respective municipal council (hereinafter referred to as “designated municipal authorities”),
 - g) Authorities of municipalities, townlets, cities, territorially undivided statutory cities, city districts or city boroughs of territorially subdivided statutory cities, or city districts of the City of Prague or military districts (hereinafter referred to as “municipal authorities”),
 - h) Mayors of municipalities, townlets, cities, territorially undivided statutory cities, city districts or city boroughs of territorially subdivided statutory cities, or city districts of the City of Prague or military districts, or heads of military districts (hereinafter referred to as “mayors”),
 - i) Secretaries of designated municipal authorities,
 - j) Directors of regional authorities and the director of the Municipal Authority of the City of Prague (hereinafter referred to as “directors of regional authorities”),
 - k) Diplomatic mission and consular post of the Czech Republic, with the exception of consular post headed by an honorary consular officer (hereinafter referred to as “diplomatic missions”),
 - l) District election commissions
 - m) Special district election commissions.
- (2) Activities performed by the electoral authorities shall be regarded as the exercise of public administration.

§ 7

State Election Commission

⁵ Section 64 of Act No. 128/2000 Coll., on Municipalities (the Municipal Order), as amended by Act No. 313/2002 Coll.

Decree No. 388/2002 Coll., on Administrative Districts with Authorized Municipal Office and Administrative Districts of Municipalities with Extended Powers, as amended.

- (1) The State Election Commission established pursuant to a separate legal regulation⁶ constitutes a permanent electoral authority also for the presidential elections. The address of the headquarters of the State Election Commission shall be published on the presidential election website of the Ministry of the Interior.
- (2) The State Election Commission shall
 - a) coordinate the preparation, organization, course and execution of the presidential elections,
 - b) supervise the conduct of all necessary organisational and technical operations related to the presidential elections,
 - c) draw by lot the numbers of presidential candidates to be featured on the ballot papers,
 - d) issue permits allowing additional persons to be present during the counting of votes by district election commissions,
 - e) announce the final results of presidential elections in the form of communication published in the Collection of Laws,
 - f) present the final results of presidential elections to the President of the Senate or to the Chair of the Chamber of Deputies in case that the position of the President of the Senate is not filled at the time.

§ 8

Ministry of the Interior

- (1) The Ministry of the Interior constitutes the central administrative authority for the presidential elections.
- (2) The Ministry of the Interior shall
 - a) unify and control organizational and technical aspects of the preparation, course and execution of the presidential elections,
 - b) register candidate lists,

⁶ Act No. 130/2000 Coll., on Elections to Regional Councils and on Amendment to Certain Acts, as amended.

- c) present without delay to the Czech Statistical Office the copies of candidate lists, so that it can create a candidate register used for the processing of presidential elections results, and the list of registered candidates and regularly inform the Czech Statistical Office of any changes regarding the candidates' data,
- d) inform the mayors, through regional authorities, of who shall have the right to delegate members to the district election commissions and their substitutes; at the same time, publish this information on its election website,
- e) inform the State Election Commission about the registration of candidate lists,
- f) provide for the printing of election materials and ballot papers,
- g) publish on its election website the information on the conditions and the manner of voting,
- h) control the course of voting in polling stations and the counting of votes by the district election commissions,
- i) deal with complaints concerning the organizational or technical aspects of the presidential elections at the level of regions or the City of Prague, after the complainant unsuccessfully sought remedy before the respective regional authority,
- j) fulfil tasks related to the removal of duplicate entries in the special voter lists and permanent voter lists pursuant to a separate legal regulation⁷,
- k) archive election documents, including election documents submitted by the Ministry of Foreign Affairs,
- l) fulfil other tasks under this Act.

(3) For the purpose of registration of candidate lists and the verification of petitions, the Ministry of the Interior shall use

⁷ Sec. 6 (5) and 6 of Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amendment to and Supplement of certain Acts, as amended

- a) reference information from the Register of Inhabitants⁸,
 - b) information from the Population Register Information System.
- (4) Information used pursuant to subsection 3(a) includes
- a) surname,
 - b) first name, or names (hereinafter referred to as „name”),
 - c) residence address,
 - d) date of birth,
 - e) citizenship, or multiple citizenships.
- (5) Information used pursuant to subsection 3(b) includes
- a) name, surname, including previous surnames,
 - b) date of birth,
 - c) citizenship, or multiple citizenships,
 - d) permanent residence address
 - g) withdrawal of legal capacity.
- (6) Information classified as reference information in the Register of Inhabitants shall be used from the Population Register Information System only if the information in the Register of Inhabitants is outdated.
- (7) Only the information necessary for fulfilling the respective task can be used.

§ 9

Ministry of Foreign Affairs

The Ministry of Foreign Affairs shall

- a) secure the organizational and technical aspects of the preparation, course and execution of the presidential elections outside the territory of the

⁸ Act No. 111/2009 Coll., on Basic Registries, as amended.

Czech Republic⁹,

- b) submit to the Ministry of the Interior the special voter lists received from the diplomatic missions (§ 31) on a data medium,
- c) in cooperation with the Czech Statistical Office set up a single electronic communication system for the transfer of data between the diplomatic missions and the Ministry of Foreign Affairs,
- d) submit to the Czech Statistical Office data for the creation and update of lists of special electoral districts,
- e) in cooperation with the Czech Statistical Office prepare conditions for the operation of a detached office of the Czech Statistical Office on the premises of the Ministry of Foreign Affairs,
- f) forward to special district election commissions a written confirmation from the Czech Statistical Office in the form of a printout certifying that the results from the special electoral districts were received without errors for further processing,
- g) after the determination of the final results of the presidential elections, forward to the Ministry of the Interior election documents received from the diplomatic missions,
- h) fulfil other tasks under this Act.

§ 10

Czech Statistical Office

- (1) The Czech Statistical Office shall prepare a mandatory system for the determination and processing of the presidential elections results and provide the software for the processing and forwarding of the presidential elections results.
- (2) The Czech Statistical Office shall also
 - a) secure the technical aspects of the system for the processing of presidential elections results¹⁰ pursuant to subsection 1 in its

⁹ Sec 6, subsection 3(k) of Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of State Administration of the Czech Republic, as amended.

¹⁰ Sec. 4, subsec. 1(p) of Act No. 89/1995 Coll., on State Statistical Service, as amended.

- temporary detached offices on the premises of the designated municipal authorities and the Ministry of Foreign Affairs, and shall cooperate on fulfilling this task with the Ministry of the Interior, Ministry of Foreign Affairs, regional authorities, designated municipal authorities and municipal authorities,
- b) secure employees of the Czech Statistical Office for the temporary detached offices pursuant to letter a) authorized to determine and process the presidential elections results, and secure additional persons necessary for the processing and forwarding of presidential elections results, provide training and issue an authorization for the trained employees,
 - c) provide training for the designated members of district election commissions on the mandatory system for the determination and processing of presidential elections results in cooperation with regional authorities and designated municipal authorities,
 - d) create a register of candidates for the processing of presidential elections results; publish information from the register of candidates on its election website after the registration of candidate lists by the Ministry of the Interior,
 - e) deal with complaints on the functioning of technical devices and the respective software supplied by the Czech Statistical Office and used for the processing of presidential elections results,
 - f) issue to the district election commissions and, through the Ministry of Foreign Affairs, to the special district election commissions a written confirmation in the form of a printout certifying that the results from the respective electoral districts or special electoral districts were received without errors for further processing,
 - g) forward records of the course and result of voting received from the district election commissions to the respective designated municipal authorities for safekeeping no later than 10 days after end of the processing of the presidential elections results at the level of the designated municipal authorities; store records of the course and result of voting received from the Ministry of Foreign Affairs,

- h) fulfil other tasks under this Act.
- (3) Only the employees of the Czech Statistical Office authorized pursuant to paragraph 2(b) shall be entitled to
- a) be present in the room in which the district election commissions count the votes (§ 48),
 - b) receive the copies of the records of the course and result of voting and the election results on a data medium,
 - c) specify the time limit for the correction of mistakes and submission of new records of the course and result of voting,
 - d) instruct the district election commissions and special district election commissions to end their session on the second election day,
 - e) secure the submission of all election results from the respective electoral districts and special electoral districts,
 - f) provide for the processing of presidential elections results.

§ 11

Regional Authorities

- (1) The regional authorities shall
- a) secure the organizational and technical aspects of the preparation, course and execution of presidential elections in the regions,
 - b) deal with complaints about organizational or technical aspects of presidential elections at the level of municipality, townlet, city, city district or city borough of a territorially subdivided statutory city, city borough of the City of Prague and military district (hereinafter referred to as “municipality”) after the complainant unsuccessfully sought remedy before the respective municipal authority,
 - c) monitor the course of voting at the polling stations and the counting of votes by the district election commissions,
 - d) hear misdemeanours and other administrative offences during the election campaign and impose fines pursuant to this Act,

- e) help organize the training of the members of the district election commissions conducted by the Czech Statistical Office on the mandatory system for the determination and processing of the presidential elections results and participate in the training conducted by the designated municipal authorities on the principles of voting,
 - f) compile the list of telephone connections to the polling stations in their respective territorial districts based on the data provided by the designated municipal authorities and publish the information on the regional authority website,
 - g) archive election documents,
 - h) fulfil other tasks under this Act.
- (2) Activities pursuant to subsection 1(b), (c) and (e) can be performed only by regional authority employees authorized to do so pursuant to a separate Act¹¹.

§ 12

Designated Municipal Authorities

- (1) The designated municipal authorities shall
- a) provide the premises and supporting facilities for the Czech Statistical Office during the submission, verification and processing of the records of the course and result of voting received from the district election commissions,
 - b) cooperate with the Czech Statistical Office on providing the necessary personnel and technical facilities for entering the results from individual electoral districts in the processing system in the respective detached office,
 - c) organize the training for the selected members of district election

¹¹ Act No. 491/2001 Coll., on Elections to Municipal Councils and on Amendment to Certain Acts, as amended.

Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amendment to and Supplement of Certain Acts, as amended.

Act No. 130/2000 Coll., on Elections to Regional Councils and on Amendment to Certain Acts, as amended.

commissions on the principles of voting,

- d) compile the list of telephone connections to the polling stations in its administrative district based on the data provided by the municipal authorities and send it no later than 4 days before presidential elections to the respective regional authority and publish it on the designated municipal authority website,
- e) participate in the distribution of election materials,
- f) monitor the course of voting in the polling stations and the counting of votes by the district election commissions,
- g) archive election documents,
- h) fulfil other tasks under this Act.

(2) Activities under paragraph 1 (c) and (f) can be performed only by municipal authority employees authorized to do so pursuant to a separate Act¹¹.

§ 13

Municipal Authorities

The municipal authorities shall

- a) provide polling stations, necessary personnel and supporting facilities for the district election commissions,
- b) keep records of the special list of voters (§ 32),
- c) issue absentee voting certificates (§ 33),
- d) provide for the telephone connections with the polling stations in their respective territorial districts and report the telephone numbers no later than 9 days before the presidential elections to the respective designated municipal authorities,
- e) deal with complaints concerning organizational and technical aspects of the presidential elections at the municipal and electoral district level,
- f) submit to the district election commissions copies of the permanent lists of voters and special lists of voters,
- g) archive election documents received from the district election commissions,

h) fulfil other tasks under this Act.

§ 14

Mayors

(1) The mayors shall

- a) inform the voters of the time and place of the presidential elections in the respective municipality,
- b) provide for the distribution of ballot papers among the voters,
- c) determine with regard to the number of voters in the respective electoral district 60 days before presidential elections the minimum number of the members of the district election commission; whereas the minimum number shall be 5, except for electoral districts with less than 300 voters, in which case the district election commission may have only 4 members,
- d) publish on the official board no later than 45 days before the presidential elections information on the number of electoral districts and their respective addresses,
- e) appoint and dismiss recorders of the district election commissions (hereinafter referred to as “recorders”),
- f) summon the first session of the district election commissions in such a way, that the session takes place no later than 21 days before the presidential elections,
- g) appoint members of the district election commissions in case any seats in the commissions remain empty,
- h) fulfil other tasks under this Act.

(2) The mayors shall deliver the notification of the first session of the district election commission to the hands of the delegated and appointed representatives and at the same time publish it on the official board of the municipal authority; the notification is considered delivered on the date on which it is published on the official board.

§ 15

Secretaries of Designated Municipal Authorities and Directors of Regional Authorities

The secretaries of designated municipal authorities shall fulfil the tasks under this Act related to the municipalities in their administrative districts, if these tasks are not completed within the set time limit, unless stated otherwise by a public contract or a decision by the respective regional authority. The same procedure applies to the directors of regional authorities with regard to designated municipal authorities, and to the Secretary of the municipal authority with regard to the city districts or city boroughs of Brno, Ostrava and Plzeň.

§ 16

Diplomatic Missions

The diplomatic missions shall, within their territorial districts,

- a) secure the organizational and technical aspects of the preparation, course and exercise of presidential elections outside the territory of the Czech Republic,
- b) keep special lists of voters (§ 31),
- c) issue absentee voting certificates (§ 33),
- d) with regard to local conditions, inform local voters of the time and place of voting, of the possibility to be registered in special voter lists administered by the respective diplomatic mission, of the manner of voting and the date of the second round of presidential elections, and - if applicable - also in the respective foreign language,
- e) train members of special district election commissions,
- f) provide for the printing or photocopying of ballot papers,
- g) provide polling stations, supporting facilities and necessary personnel for the special district election commission,
- a) fulfil other tasks under this Act.

§ 17

District Election Commissions

- (1) The district election commissions shall
 - a) keep order at the polling stations,
 - b) organize the voting and supervise its course ,
 - c) count the votes and produce records of the course and result of voting,
 - d) submit election documents to the respective municipal authorities for safekeeping, with the exception of 1 copy of the record of the course and result of voting (§ 51 and 52).
- (2) The district election commissions are quorate if attended by the majority of all their members with the right to vote. Resolutions of the district election commissions are adopted if the majority of all their present members with the right to vote have voted in favour.
- (3) During their first session, district election commissions shall draw by lot the chairman and vice-chairman from among its members. The draw shall be managed by the recorders of the district election commissions. Should the chairman or the vice-chairman of the district election commission step down or not be able to perform his or her duties for other serious reasons, the lot shall be drawn again; the vice-chairman shall not be included in the drawing of the chairman of district election commission and the chairman of district election commission shall not be included in the drawing of the vice-chairmen of district election commission.
- (4) During his/her absence, the chairman of district election commission shall be represented by the respective vice-chairman.

§ 18

Membership of the District Election Commissions

- (1) Any citizen
 - a) at least 18 years old as of the day of taking his or her oath,
 - b) not disqualified from voting pursuant to section 4, subsection 2 and
 - c) not standing as a candidate in the presidential elections may become a member of the district election commission.

- (2) Any citizen, who is entitled to nominate a candidate for the presidential elections and whose submitted candidate list has been registered, political party, political movement or coalition represented in the Chamber of Deputies or the Senate, or any political party, political movement or coalition not represented in the Parliament of the Czech Republic but which received in the last elections at least 1 seat in the relevant regional authority can delegate 1 member and 1 substitute to the district election commission no later than 30 days before the presidential elections.
- (3) The list of members and substitutes under subsection 2 can be sent or personally delivered to the Mayor, on paper or electronically with a recognized electronic signature or delivered via the data box. The list must include the name, surname, date of birth and permanent residence address or delivery address or electronic address of the members or their substitutes, the signature of a person entitled to act on behalf of the respective political party or political movement or the signature of a citizen entitled to nominate a candidate for the presidential elections and the candidate list submitted by the citizen has been registered, or the signatures of persons authorized in writing to perform this act and who have added such written authorization to the relevant list. The list can also specify to which district election commission the delegated members and substitutes shall be assigned; should this information be missing, the mayors shall assign them in individual district election commissions themselves.
- (4) If the minimum number of members of the district election commission under section 14, subsection 1(c) has not been reached, the respective mayors shall appoint the remaining members of the district election commission before its first session.
- (5) The delegated or appointed representatives become members of the district election commission by taking the following oath: “I hereby promise upon my honour that I shall perform my duties duly and impartially and in compliance with the Constitution and other laws and regulations of the Czech Republic.” Each delegated or appointed representative shall take the oath during the first session of the district election commission, which he/she attends, by signing the above oath. Upon the signing, he/she shall take up his/her duties.
- (6) The membership of a district election commission shall expire
 - a) upon the day the district election commission ends its activities (§ 58),
 - b) upon the death of a member of the district election commission,

- c) when the chairman of the district election commission receives a written declaration of resignation from a member of the district election commission; in case of a resignation, the chairman of a district election commission shall submit his/her declaration of resignation to the vice-chairman,
 - d) when the chairman of a district election commission receives a written notification of the removal of a member of the district election commission from the commission by the same subject that delegated him/her to the commission,
 - e) when a member of the district election commission loses his/her citizenship of the Czech Republic,
 - f) if a member of the district election commission is disqualified from voting pursuant to section 4, subsection 2, or
 - g) if, on the day of the presidential elections, a member of the district election commission does not perform his/her duties and his/her absence lasts longer than 3 hours.
- (7) If a delegated or appointed representative is absent during the first session of the district election commission and does not present an apology, he/she shall not be allowed to take the oath at a later date and the respective mayor shall summon the substitute of the same political party, political movement or coalition, or the substitute delegated by a citizen entitled to nominate a candidate for the presidential elections and the candidate list submitted by the citizen has been registered, or the mayor shall appoint the new member of the district election commission himself/herself.
- (8) If a member is dismissed pursuant to paragraph 6, the chairman of the district election commission shall, through the mayor, summon the substitute of the same political party, political movement or coalition or the substitute delegated by a citizen entitled to nominate a candidate for the presidential elections and the candidate list submitted by the citizen has been registered; the substitute shall become a member of the district election commission by taking the oath pursuant to paragraph 5. If there is no chairman of the district election commission, the mayor shall summon the substitute in accordance with the first sentence. If, in the course of the presidential election, the number of the members of the district election commission falls under the required number as defined by the mayor, and there are no substitutes pursuant to subsection 2, the mayor shall appoint the required number of additional members of the district election.

§ 19

Recorders of District Election Commissions

Recorders, appointed by the mayors no later than 20 days before the first session of the district election commission, are member of district election commissions with an advisory status and shall not participate in the voting of the district election commissions. The recorders may present proposals to the district election commissions, shall take the minutes of the meetings of the district election commissions and shall take the oath pursuant to section 18, subsection 5. If a recorder ceases to perform his/her duties, the respective mayor shall immediately appoint a new recorder.

§ 20

Special District Election Commissions

- (1) The heads of diplomatic missions shall appoint no later than 30 days before the presidential elections the chairman and other members of the special district election commissions, consisting of citizens who are at least 18 years old on the day of taking their oath, are not disqualified from voting under section 4, subsection 2, are not presidential candidates and speak Czech. The special district election commissions shall consist of at least 3 members, including the recorder. The recorder shall be appointed and dismissed by the respective head of the diplomatic mission no later than 18 days before the first session of the special district election commission. If the number of the members of the special district election commission falls below the minimum required number, the head of diplomatic mission shall appoint additional members to fill the empty seats. The head of the diplomatic mission shall summon the first session of the respective special district election commission to be held no later than 21 days before the presidential elections. If the head of the diplomatic mission fails to appoint a 3-member special district election commission, the tasks of the commission shall be performed by the head of the diplomatic mission and the recorder. The head of the diplomatic mission shall have the same position as a mayor when fulfilling these tasks. Members of the special district election commission shall assume their duties by taking the oath pursuant to section 18, subsection 5. The membership of the special district election commission shall cease to exist for reasons and in the manner specified in section 18, subsection 6.

- (2) Each special district election commission shall
 - a) organize the polls in the respective special electoral district, supervise its course and the order at the polling station,
 - b) count the votes and create a record of the course and result of voting in the special electoral district,
 - c) submit the election documents to the respective diplomatic mission, which shall forward it to the Ministry of Foreign Affairs.

CHAPTER III

CANDIDATE LIST

§ 21

Submission of Candidate Lists

- (1) A candidate list can be submitted by at least twenty deputies (hereinafter referred to as „nominating deputies”) or at least ten senators (hereinafter referred to as „nominating senators”) or a citizen at least 18 years old, if his/her petition is supported by at least 50,000 citizens entitled to vote in the presidential elections (hereinafter referred to as the “nominating citizen”).
- (2) The nominating deputies, nominating senators or nominating citizen can submit only one candidate list. A candidate can be nominated only on one candidate list.
- (3) Each candidate list must be submitted to the Ministry of the Interior no later than 66 days before the presidential elections. The registration proceedings of the candidate list shall start on the day of the submission of the candidate list. The Ministry of the Interior shall inform the authorized representative of the nominating deputies or nominating senators or the nominating citizen, and if he/she does not have an authorized representative, then directly the nominating citizen, that it has received the candidate list and started the registration proceedings.

§ 22

Authorized Representative

- (1) An Authorized representative is a natural person at least 18 years old, specified on the candidate list as such; the authorized representative shall assume the authorization by personally signing the candidate list. A person whose legal capacity has been withdrawn⁴ or stands as a candidate in the presidential elections cannot act as an authorized representative.
- (2) The nominating deputies and nominating senators shall act in matters concerning the presidential elections through their authorized representatives. The nominating citizen can act in these matters through an authorized representative or personally.
- (3) The authorized representative shall submit the candidate list personally, in which case an official record is made of such submission, or deliver the candidate list by post or electronically signed with a recognized electronic signature or via the data box.
- (4) The authorized representative shall have the right to view the registration documents, make excerpts and demand copies in connection with the candidate list, on which he/she is specified as the authorized representative.
- (5) The nominating deputies, nominating senators or nominating citizen can dismiss the authorized representative, or the authorized representative can waive the authorization; the authorization shall cease to exist upon the receipt of the dismissal or the waiver by the Ministry of the Interior. The nominating deputies, nominating senators or nominating citizen can deliver the dismissal or new authorization personally, by post or electronically signed with a recognized electronic signature, or via the data box. The authorized representative shall proceed in the same manner when waiving his/her authorization. Until a new authorized representative is appointed, documents sent under this Act to an authorized representative shall be only published on the official board of the Ministry of the Interior at the headquarters of the State Election Commission and on the election website of the Ministry of the Interior, thus being considered delivered unless stated otherwise by this Act.

§ 23

Election Committee

- (1) Each presidential candidate shall be obliged to set up an election committee as of the day of the submission of the candidate list, consisting of no less than 3 and no more than 5 members.
- (2) Members of the election committee shall be responsible for the election campaign financing and jointly and severally responsible for the obligations of the election committee. The election committee shall adopt decisions unanimously and shall be publicly represented by its member, who has been authorized to do so in writing.
- (3) Members of the election committee shall be selected by the presidential candidate. Any natural person who is at least 18 years old and is listed as a member of the election committee on the candidate list can become a member of the election committee; a person accepts such membership by personally signing the candidate list. A person whose legal capacity has been withdrawn⁴ or stands as a candidate in the presidential elections cannot become a member of the election committee.
- (4) Any member of the election committee can resign from the committee or be dismissed by the presidential candidate; the membership shall cease to exist upon the delivery of the letter of dismissal or resignation to the Ministry of the Interior. However, in case the dismissal or resignation results in the number of members of the election committee being less than 3, the membership of the election committee shall cease to exist only upon the nomination of a new member of the election committee by the presidential candidate and the acceptance of such membership by this person in the form of a personally signed declaration; subsection 3 shall apply mutatis mutandis.

§ 24

Election Campaign Bank Account

- (1) Each presidential candidate shall be obliged to create a bank account for the financing of the election campaign (hereinafter referred to as the „campaign account”) as of the day of the submission of the candidate list at the latest.
- (2) The campaign account shall be opened at a bank with a registered address in the territory of the Czech Republic or a foreign bank operating in the territory of the Czech Republic via its subsidiary.
- (3) All financial transactions used for the campaign funding shall be conducted

through the campaign account. Financial resources saved on the campaign account may be used only for the financing of the election campaign.

- (4) All financial resources received for the support of candidacy and the election campaign until the day of the candidate list submission must be transferred to the campaign account as of that day. Within 5 days since the candidate list registration, the election committee shall publish on the candidate's website enabling remote access and send to the Ministry of the Interior, on paper or electronically with a recognized electronic signature of all members of the election committee or via the data box, the information about the financial resources transferred to the campaign account, including the information on the origin of these funds and the name, surname, date of birth and residence address of a natural person donating these funds, or in case of a legal person, the name of its company or name, registered address and registration number of the person, if applicable. The Ministry of the Interior shall publish this information on its election website.
- (5) Unused funds left on the campaign account cannot be used during the infringement proceedings in the matter of election campaign financing, however at least for the period of 120 days since the announcement of the final election results.
- (6) Part of the unused funds left on the campaign account corresponding to the amount which, based on a court ruling in the matter of breach of the election campaign financing rules shall be transferred pursuant to a separate Act by the election committee to the state budget, cannot be used until the election committee transfers such amount to the state budget. This amount can be covered from the unused funds on the campaign account.
- (7) Within 30 days after the period specified in paragraphs 5 or 6, all unused funds left on the campaign account, with the exception of financial resources used for the transfer to the state budget pursuant to paragraph 6, shall be used for social, health, sports, ecological, cultural or other publicly beneficial purposes, in the manner and to the extent chosen by the presidential candidate.
- (8) The election account can be closed only after all unused funds have been transferred in accordance with subsection 6 or 7.

Candidate List Requirements

(1) Each candidate list shall include

- a) name and surname of the candidate, gender, age as of the second day of the presidential election, employment or profession held by the candidate at the time of the submission of the candidate list or - if applicable - the candidate's university degree or other title, municipality in which the candidate has the address of permanent residence,
- b) candidate's political party or political movement affiliation, or the information that the candidate does not have any political party or political movement affiliation (hereinafter referred to as "without party affiliation"),
- c) names and surnames of the nominating deputies or nominating senators including the information whether the person concerned is a deputy or a senator, their signatures, or the name, surname and date of birth of the nominating citizen including his/her permanent residence address and signature,
- d) the name, surname and date of birth of the authorized representative of the nominating deputies or nominating senators including his/her permanent residence address, or delivery address or electronic address and signature; if a nominating citizen has an authorized representative, the same information shall be provided,
- e) the name, surname and date of birth of members of the election committee, including their respective addresses of permanent residence, or delivery addresses or electronic addresses and their signatures.

(2) The following documents shall be enclosed to the candidate lists

- a) A declaration personally signed by the candidate stating that the candidate agrees with his/her candidacy, knows no obstacle to his/her electability or that such obstacle shall no longer exist as of the presidential election day, that he/she has not given his/her consent to be listed on another candidate list and that the information on the candidate list related to his/her person, the election committee and its members is true; the candidate shall also state his/her permanent residence address and date of birth in the declaration,

- b) A confirmation of the opening of campaign account, including the bank account number and information on the financial resources transferred to the account pursuant to the first sentence of section 24, subsection 4.
- (3) If a nominating citizen submits the candidate list, he/she shall enclose a petition signed by at least 50,000 citizens entitled to vote in the presidential elections. The petition shall include numbered signature sheets. The heading of the petition and each numbered signature sheet shall state that the petition supports the candidacy of the respective presidential candidate, his/her name, surname, date of birth and the year in which the election is held. Each citizen supporting the candidacy of the candidate shall state his/her name, surname, date of birth and permanent residence address and add his/her own signature.
- (4) The Ministry of the Interior shall verify the total number of citizens entitled to vote in the presidential elections signed on the petition. If there is any required information missing on the signature sheet or the information is incomplete, then the respective citizen shall not be included in the total number of citizens signed on the petition.
- (5) The Ministry of the Interior shall verify the correctness of the information on the petition by controlling a random sample of 8,500 citizens signed on each petition. If it finds incorrect information in case of less than 3 % of the signed citizens, the Ministry of the Interior shall not include these citizens in the total number of citizens signed on the petition.
- (5) If the Ministry of the Interior finds under the procedure described in subsection 5 incorrect information in case of 3 % or more than 3 % of the signed citizens, it shall verify another random sample of the same size (hereinafter referred to as the “the second sample”). If in the second sample it finds incorrect information in case of less than 3 % of the signed citizens, the Ministry of the Interior shall not include the citizens from both samples in the total number of citizens signed on the petition. If in the second sample it finds incorrect information in case of 3 % or more than 3 % of the signed citizens, the Ministry of the Interior shall deduct from the total number of citizens signed on the petition such number of signatures which corresponds to the percentage of incorrect information in both samples.

- (1) The Ministry of the Interior shall review in the period of 60 to 66 days before the presidential elections the submitted candidate lists. If a candidate list is not submitted in accordance with section 21, does not meet the requirements pursuant to section 25, subsection 1 and 2 or includes incorrect or incomplete information, the Ministry of the Interior shall invite the authorized representative of the nominating deputies, nominating senators or the nominating citizen, and if he/she does not have an authorized representative, then the nominating citizen himself/herself, no later than 58 days before the presidential elections to remedy the deficiencies no later than 50 days before the presidential elections. The Ministry of the Interior shall send the invitation to remedy the deficiencies to the authorized representative or - if applicable - to the nominating citizen, and at the same time publish it on its election website and on the official board of the Ministry of the Interior at the headquarters of the State Election Commission. The invitation is considered delivered on the day of its publication. Up until 50 days before the presidential elections the authorized representative or the nominating citizen can remedy the deficiencies on the candidate list also without the invitation from the Ministry of the Interior.
- (2) The Ministry of the Interior shall decide in the period of 49 days before the presidential elections to register the candidate list, or to deny registration of the candidate list if
 - a) the candidate list has not been submitted in accordance with section 21,
 - b) the candidate list does not meet the requirements in accordance with section 25, subsection 1, or includes incorrect or incomplete data,
 - c) the annex in accordance with section 25, subsection 2 is not enclosed or the data in the annex is incorrect or incomplete,
 - d) the annex in accordance with section 25, subsection 3 is not enclosed or if the remaining number of signed citizens on the petition is less than 50,000 after the deduction of citizens pursuant to section 25, subsection 5 and 6, or
 - e) the candidate does not meet the eligibility criteria.
- (3) The Ministry of the Interior shall without delay issue a decision to register or deny registration of a candidate list on paper and electronically, and shall send a copy of this decision through a restricted delivery to the authorized representative of the nominating deputies, nominating senators

or the nominating citizen, and if the nominating citizen has no authorized representative, then the nominating citizen directly, and to the candidate specified on the respective candidate list. At the same time, the Ministry of the Interior shall publish the decision on its election website, post it on the official board of the Ministry of the Interior at the headquarters of the State Election Commission and mark the date of its publication. The decision is considered delivered on the third day since it was posted.

- (4) The decision to register or deny registration must include a verdict, justification and appeal information. The verdict shall include the provision of this Act according to which the decision was reached. The justification shall include facts that served as the basis for the decision. However, no justification is needed in case of a decision to register the candidate list. Appeal information shall state that it is possible to seek legal remedy, the time limits for seeking legal remedy, from which day these limits apply, the authority deciding on the legal remedy and where the appeal shall be lodged.
- (5) The decision to register or deny registration of a candidate list must also include the designation of the Ministry of the Interior, the designation of the nominating deputies, nominating senators or the nominating citizen, reference number, issuing date, official stamp, name, surname, position and signature of the official authorized hereto under internal regulations of the Ministry of the Interior or authorized by the Minister of the Interior. In the electronic copy of the decision, the place for the official stamp should be described in words and the authorized official shall sign the document with a recognized electronic signature.
- (6) The Ministry of the Interior shall correct obvious clerical errors or counting errors in the decision to register or deny registration of a candidate list upon request from the authorized representative of nominating deputies, nominating senators or the nominating citizen, or if the nominating citizen has no authorized representative then directly the nominating citizen, or the candidate stated on the candidate list or by virtue of office. The Ministry of the Interior shall deliver the written correction to all persons, who have received in accordance with subsection 3 the decision to register or deny registration of the respective candidate list, and shall publish it on its election website and on the official board of the Ministry of the Interior at the headquarters of the State Election Commission.

- (7) Based on a court decision pursuant to a separate legal regulation¹² the Ministry of the Interior shall publish no later than 20 days before the presidential elections the court resolution on the registration of a candidate list or the annulment of registration of a candidate list on its election website and on the official board of the Ministry of the Interior at the headquarters of the State Election Commission.
- (8) The registration is a precondition for the printing of ballot papers.
- (9) The expiration of mandate of the nominating deputies or nominating senators or the position of the nominating citizen after the submission of the candidate list shall not be taken into account.
- (10) From the moment of the publication of the decision to register or deny registration of a candidate list, the Ministry of the Interior shall on its election website provide information about the presidential candidates, even without their consent, in the extent of the data written on the ballot papers. The Czech Statistical Office shall inform no later than 43 days before the presidential elections on its election website about the presidential candidates even without their consent in the extent of the data written on the ballot papers.
- (11) If there is none or only one candidate list submitted or if there is none or only one candidate list registered, a new presidential elections shall be held. The Ministry of the Interior shall immediately inform the President of the Senate of such fact or the Chair of the Chamber of Deputies, if the position of the President of the Senate is not filled at that time.

§ 27

Termination of Candidacy

- (1) The candidate may 24 hours before the start of the presidential election resign from his/her candidacy personally at the Ministry of the Interior, which will make an official record of his resignation, or by delivering to the Ministry of the Interior, within the same period of time, a written declaration of resignation with an officially certified signature of the

¹² Act No. 150/2002 Coll. Code of Administrative Justice, as amended.

candidate or electronically with a recognized electronic signature of the candidate or delivered via the data box. Such decision cannot be reversed.

- (2) The authorized representative of the nominating deputies, nominating senators, nominating citizen or directly the nominating citizen shall deliver to the Ministry of the Interior the information that the candidate has lost his/her electability.
- (3) If the declaration of resignation or the information on the loss of candidate's electability was delivered to the Ministry of the Interior after the registration of the candidate list and no later than 24 hours before the start of presidential elections, any votes given to such candidate shall be disregarded. The Ministry of the Interior shall make public via regional authorities the candidate's declaration of resignation or the information on the loss of electability in all polling stations and shall post it on its election website, if the information was received no later than 24 hours before the start of the presidential elections; in polling stations abroad, the Ministry of the Interior shall make public the declaration of resignation or the information on candidate's loss of electability via the Ministry of Foreign Affairs. The Ministry of the Interior shall at the same time inform the Czech Statistical Office.

§ 28

Ballot Papers

- (1) The State Election Commission shall draw by lot the numbers to be featured on the ballot papers after the expiration of the appeal period pursuant to section 65; in case of an ongoing judicial review, the State Election Commission shall draw the numbers after the court decision concerning a candidate list registration enters into force. The State Election Commission shall publish the drawn numbers on the election website of the Ministry of the Interior and at the same time inform the Czech Statistical Office.
- (2) The Ministry of the Interior shall secure the printing of ballot papers. The correctness of the information featured on the ballot papers can be verified before the printing by the authorized representative of the nominating deputies, nominating senators, nominating citizen, or directly by the citizen if he/she has no authorized representative, within 2 working days after the Ministry of the Interior publishes the invitation for the verification on its election website and on the official board of the Ministry of the Interior at

the State Election Commission headquarters. The invitation for verification is considered delivered as of the day of its publishing on the official board.

- (3) The ballot papers must be printed on a paper of the same colour, quality and proportions using the same font and of the same size. All ballot papers must be stamped with the official stamp of the Ministry of the Interior.
- (4) Each registered candidate has a separate ballot paper marked by the drawn candidate number. Each ballot paper must state the candidate's name, surname, gender, age as of the second day of the presidential elections, employment or occupation and - if applicable - also a university degree or other title, municipality of the permanent residence, political party or political movement affiliation, or the information that the candidate has no such affiliation. The ballot paper must also state whether the candidate has been nominated by the nominating deputies or nominating senators or a nominating citizen.
- (5) Ballot papers are distributed through the designated municipal authorities to municipal authorities. Mayors shall secure the delivery of ballot papers to all voters no later than 3 days before the presidential elections and to all district election commissions on the election day. As regards special district election commissions, the Ministry of the Interior shall send the ballot papers electronically to the Ministry of Foreign Affairs, which shall forward it to the diplomatic missions no later than 3 days before the election day. The diplomatic missions shall secure the printing or copying of the ballot papers. Voters who vote in special electoral districts shall receive the ballot papers in the polling stations.
- (6) Ballot papers delivered to voters featuring obvious printing errors shall not be reprinted; The Ministry of the Interior shall inform of these errors and have the correct information posted through regional authorities and subsequently through the designated municipal authorities and municipal authorities in all polling stations. At the same time, the Ministry of the Interior shall publish the information about such errors on its election website. As regards voting abroad, the Ministry of the Interior shall have such information posted in all polling stations abroad through the Ministry of Foreign Affairs.

CHAPTER IV

VOTING

§ 29

Lists of Voters

Voters are listed in the permanent lists of voters (hereinafter referred to as „permanent lists”), in the special lists of voters administered by diplomatic missions (hereinafter referred to as „special lists administered by diplomatic missions”) or in special lists of voters administered by municipal authorities in the territory of the Czech Republic (hereinafter referred to as “special lists”). Each voter can be registered only in one of these lists.

§ 30

Permanent Lists

Permanent lists are administered by municipal authorities pursuant to a separate legal regulation¹³.

§ 31

Special Lists Administered by Diplomatic Missions

Special lists administered by diplomatic missions are administered by diplomatic missions pursuant to a separate legal regulation⁷.

§ 32

Special Lists

- (1) Special lists are administered by municipal authorities and are used for voters who do not have their permanent residence address in the territorial districts of the respective municipalities¹⁴, or cannot vote in the electoral district in which they are registered in the permanent lists, or are
 - a) in a health care facility, social services facility, educational facility for institutional treatment or protective care or educational facility for preventive educational care or in any other similar facility in the municipality, or

¹³ Sec. 28 of Act No. 491/2001 Coll., on Elections to Municipal Councils and on Amendment to Certain Acts.

¹⁴ Act No. 133/2000 Coll., on Population Register and Birth Certificate Numbers and on the Amendment to Certain Acts, as amended.

- b) In custody, security detention or serving a prison sentence¹⁵ in the municipality.
- (2) Municipal authorities shall enter the voters specified in subsection 1 in a special list based on information provided by a person in charge of the respective institution, compound or facility and submitted no later than 4 days before the opening of the polls.
- (3) A person in charge of the respective institution, compound or facility shall send, in cooperation with the municipal authority administering the special list, a confirmation to the municipal authority in which the voter is registered in the permanent list, stating that the respective voter has been registered in the special list.
- (4) The special lists include name, surname, date of birth, the reason for the registration in the special list, permanent residence address and the number of the electoral district in which the voter shall vote. The person initiating the entry in the special list shall be noted in the special list. For the purpose of administration of special lists, the municipal authorities shall use all data to the extent and under conditions pursuant to section 8, subsections 3 through 7.
- (5) The municipal authorities shall close the special lists 2 days before the presidential elections. On the day of the presidential elections and before the polls open, the municipal authorities shall present excerpts from the special lists to the district election commissions, consisting of information from the Register of Inhabitants and the Population Register Information System.
- (6) On the election day, the district election commissions shall note all voters using the absentee voting certificate in the excerpts from the special list (§ 33).

§ 33

Absentee Voting Certificates

- (1) Voters, who will not vote in the electoral districts in which they are

15 Section 4 of Act No. 293/1993 Coll., on Custody.

Section 1 of Act No. 129/2008 Coll., on Preventive Detention and on Amendment to Certain Related Acts.

Section 5 of Act No. 169/1999 Coll. Coll., on Imprisonment and Amendment to Certain Related Acts, as amended.

registered in the permanent lists or in the special lists administered by diplomatic missions, can from the day of the announcement of the presidential elections apply at the municipal authorities administering the respective permanent list or the diplomatic missions administering the special lists to issue them an absentee voting certificate. The application can be submitted on paper with a certified signature of the voter or electronically with a recognized electronic signature or via the data box and delivered no later than 7 days before the presidential elections. Voters can apply in person for the absentee voting certificate until the moment when the permanent lists or the special lists administered by diplomatic missions are closed. If the voter applies in person, an official record is made of such application.

- (2) The application must include name, surname, date of birth, permanent residence address and the form of delivery of the absentee voting certificate; if the voter requests the absentee voting certificate to be delivered by mail, he/she must also specify the delivery address.
- (3) Municipal authorities or diplomatic missions shall present the absentee voting certificates, which are marked as valid for the first and second round of the presidential election, no sooner than 15 days before the presidential election, personally to the voter, to a person with a power of attorney and with a certified signature of the voter applying for the absentee voting certificate, or shall send it by mail to the specified delivery address in the Czech Republic via a restricted delivery, or if sending it abroad send it to the specified delivery address. The municipal authorities shall note the issuing of absentee voting certificates in the permanent list and in the excerpt intended for the district election commissions; the diplomatic missions shall note the issuing of absentee voting certificates in special lists administered by the diplomatic missions and in the excerpts intended for the special district election commissions.
- (4) The absentee voting certificate entitles the voter to be registered in the excerpt from a special list in any electoral district in the territory of the Czech Republic or in the excerpt from the special list administered by the diplomatic mission in any special electoral district abroad.

§ 34

Informing of Voters

- (1) The mayors shall publish on the municipal official board the information

concerning

- a) the time and place of the presidential elections no later than 15 days before the presidential elections day; the information shall include the polling stations addresses; if there are more electoral districts in the municipality, the mayor shall specify which parts of the municipality belong to which electoral district and also other information necessary for the smooth course of voting,
 - b) the time and place of the second round of the presidential elections after the announcement of the results of the first round, if the second round is to be held.
- (2) The diplomatic missions shall inform the voters living in the territorial district of their missions, in the usual manner and sufficiently in advance, about the time and place of the presidential elections in the special electoral districts, about the possibility to be registered in the special lists administered by the diplomatic missions, on the form of voting and on the date of the second round of the presidential elections.
- (3) If according to the latest population census, 10 % of citizens of a different nationality than the Czech nationality live in one municipality, the municipality shall publish the information under subsection 1 also in the language of the respective national minority.

§ 35

Election Campaign

- (1) Election campaign means any promotion of a presidential candidate and election agitation in his/her favour, especially any public declaration of support for the candidate or to the candidate's benefit, including any accompanying event, which is paid for or it is common to pay for such activity, if such promotion or election agitation takes place at the earliest on the date of the announcement of presidential elections in the Collection of Law, or even before this date, if such promotion or agitation continues as of the date of the announcement of the presidential elections in the Collection of Laws. Messages to the disadvantage of another presidential candidate are also regarded as an election campaign.
- (2) The election campaign must be honest and fair. No false information on individual candidates may be published.

- (3) Any promotion or agitation in the communication media must include the information about who ordered it and who prepared it. The same rules apply to any messages to the disadvantage of any presidential candidate.
- (4) Each mayor may reserve a space for election posters 16 days before the presidential elections. Such space must meet the requirements of equal treatment of all presidential candidates.
- (5) In the period starting 16 days and ending 48 hours before the start of the presidential elections, Czech Television and Czech Radio shall each reserve 5 hours of broadcasting time free of charge for all registered presidential candidates. In the period starting 4 days and ending 48 hours before the start of the second round of the presidential elections, Czech Television and Czech Radio shall each reserve 1 hour of broadcasting time free of charge for the candidates who proceed to the second round of the presidential elections. The reserved broadcasting time shall be distributed among the candidates equally. Czech Television and Czech Radio shall decide the particular broadcasting times by lot. The candidates shall bear responsibility for the contents of the programs. Candidates lose their reserved broadcasting time, if their candidacy is terminated pursuant to section 27.
- (6) In the period between the third day before the presidential elections and the end of voting, no pre-election or election polls may be published in any form.
- (7) Election agitation for the presidential candidates is forbidden in the buildings in which polling stations are set up and in their immediate vicinity on election days.

§ 36

Election Campaign Financing

- (1) The financing of election campaign includes all contributions and expenses for the election campaign.
- (2) Accounting records on election campaign financing are kept to the full extent pursuant to the law regulating accounting. Members of the election committee shall authorize one of its members to be in charge of accounting. Each election committee is considered an accounting unit.
- (3) Information on financial resources on the election account shall be recorded

together with a statement on the origin of these funds, including the name, surname, date of birth and residence address of natural person donating these funds, or in case of a legal person, including the name of its company or name, registered address and registration number of the person, if applicable.

- (4) Information on other benefits with an estimated monetary value is recorded together with a statement on the origin of these funds, including the name, surname, date of birth and residence address of the natural person donating these funds, or in case of a legal person, including the name of its company or name, registered address and registration number of the person, if applicable.

§ 37

Election Campaign Expenditures

- (1) Campaign expenditures mean the sum of all funds and benefits with an estimated monetary value, which the presidential candidate used to cover the campaign expenses, including all expenses before the day of the submission of his/her candidate list.
- (2) Campaign expenditures may not exceed the amount of CZK 40,000,000 including VAT if the candidate participates only in the first round of the presidential elections or CZK 50,000,000 including VAT if the candidate participates both in the first as well as the second round of the presidential elections. This amount includes all amounts which the presidential candidate has paid or is due to pay, including amounts paid or bound to be paid by third parties on the candidate's behalf. If benefit, which is part of the election campaign, was received free of charge or for a price which is lower than the standard price, the standard price shall be included in the calculation of the total campaign expenditures.

§ 38

Publication of Information on Election Campaign Financing

- (1) Within 60 days from the day of the announcement of the final election results, the election committees shall publish the entire campaign accounting on the candidate's website and at the same time send it to the Mandate and Immunity Committee of the Senate, on paper or electronically

with a recognized electronic signature of all election committee members or via the data box.

- (2) Within 15 days from the day that the unused campaign funds left on the election account were transferred to a publically beneficial purpose according to section 24, subsection 7, the election committee shall publish on the candidate's website and at the same time send to the Mandate and Immunity Committee of the Senate the information specifying whom, how much and to what publicly beneficial purpose these funds were transferred, and do so on paper or electronically with a recognized electronic signature of all election committee members or via the data box.

§ 39

Polling Stations

- (1) Each polling station in every electoral district must be equipped with a ballot box and a mobile ballot box, a sufficient amount of ballot papers, empty envelopes stamped with the official stamp of the municipal authority, writing implements, this Act which must be made available to voters upon request, and excerpts from the permanent lists and special lists.
- (2) Each polling station shall have a special separate area for the placing of ballot papers in the officially stamped envelopes in line with the secret ballot principle. Each mayor shall decide the number of such separate areas with regard to the number of voters in the respective electoral district.
- (3) The flag of the Czech Republic shall be displayed on each building housing a polling station or in the immediate vicinity of the entrance and a large state symbol shall decorate the polling station¹⁶.
- (4) The following must be displayed at a clearly visible place: ballot papers marked as "SAMPLE", a candidate's declaration of resignation from the candidacy or the information about the loss of a candidate's electability if delivered no later than 24 hours before the start of the elections, and information about printing errors with the correct version.
- (5) Each polling station in a special electoral districts must be equipped with a

¹⁶ Section 2 of Act No. 3/1993 Coll., on State Symbols of the Czech Republic.

ballot box, a sufficient number of ballot papers, a sufficient number of empty envelopes stamped with the official stamp of the respective diplomatic mission, writing implements, this Act which must be made available to voters upon request, and an excerpt from the special list administered by the respective diplomatic mission, decorated by a large state symbol and with special separate area for the placing of ballot papers in officially stamped envelopes in line with the secret ballot principle. Each head of the diplomatic mission shall decide the number of such separate areas in the polling station with regard to the number of voters in the respective special electoral district. The following must be displayed at a clearly visible place: ballot papers marked as “SAMPLE”, a candidate’s declaration of resignation from the candidacy, or the information on the loss of a candidate’s electability if delivered no later than 24 hours before the start of the elections, and information about printing errors with the correct version.

§ 40

Opening of the Polls

- (1) Prior to the opening of the polls, the chairman of the district election commission shall check whether the polling station is equipped in accordance with section 39 and whether ballot boxes and the mobile ballot boxes are empty. Afterwards, the chairman shall secure the ballot boxes in the presence of other members of the district election commission in order to prevent the opening of the ballot boxes before the closing of the polls. The chairmen of special district election commissions shall follow the same procedure except for the inspection and securing of mobile ballot boxes.
- (2) After the completion of the inspection pursuant to subsection 1, the chairmen of the district election commissions and the special district election commissions shall declare the polls open.

§ 41

Voting Principles

- (1) Each voter must vote personally, voting by proxy is not allowed.
- (2) The voters shall appear before the district election commission or special district election commission and cast their vote in the order in which they

arrive at the polling station.

- (3) Upon entering the polling station, each voter shall establish his/her identity and citizenship of the Czech Republic¹⁷ by presenting a valid regular, diplomatic or service passport of the Czech Republic, or another travel document¹⁸ (hereinafter referred to only as the “passport”) or a valid personal identity card¹⁹. As soon as he/she is marked in the excerpt from the permanent list or special list or special list administered by the diplomatic mission, the voter shall receive an empty official envelope from the district election commission. Upon the voter’s request, the district election commission shall replace any of the voter’s missing, crossed out or otherwise marked ballot papers. Voters using absentee voting certificates shall receive the ballot papers at the polling station.
- (4) If any voter fails to establish his/her identity and citizenship of the Czech Republic, he/she shall not be permitted to vote.
- (5) The district election commission shall register in the excerpt from the permanent list any voter, who is not included in the excerpt but is able to demonstrate his/her right to vote in the relevant electoral district, and shall allow the voter to vote.
- (6) Any voter using an absentee voting certificate shall be obliged, upon establishing his/her identity and the citizenship of the Czech Republic pursuant to subsection 3, to hand over the absentee voting certificate to the district election commission; the district election commission shall enclose the absentee voting certificate to the excerpt from the special list or the excerpt from the special list administered by the diplomatic mission.
- (7) Upon receiving the official envelope or - if applicable - the ballot papers, the voter enters the separate area intended for placing his/her ballot paper in the official envelope. No other person, including the members of the district election commission and special district election commission, may enter this area together with the voter. Any voter unable to choose the ballot paper himself/herself due to disability or illiteracy or other reasons may be accompanied in the separate area by another voter, except for the members of the district election commission or the special district election

17 Sec. 20 of Act No. 40/1993 Coll., on Acquisition and Loss of Citizenship of the Czech Republic, as amended.

18 Sec. 5, subsection 1(a) through (d) of Act No. 329/1999 Coll. on Travel Documents and on Amendment to Act No. 283/1991 Coll., on Police of the Czech Republic, as amended (the Travel Documents Act)

19 Act No. 328/1999 Coll., on Personal Identity cards, as amended.

commission, who shall place the ballot paper chosen by the disabled voter in the official envelope on his/her behalf.

- (8) Any voter may ask the respective municipal authority and during the elections also the relevant district election commission to be allowed to vote outside the polling station, at a place located in the area falling within the district election commission's territorial competence due to serious, especially health or family related, reasons. In such cases, the respective district election commission shall send two of its members equipped with a mobile ballot box, official envelope and ballot papers to the voter. The members of the district election commission shall proceed in compliance with the principles of secret ballot. Upon their return to the polling station, they shall record this in the excerpt from the permanent or special list.

§ 42

Voting Procedure at the Polling Stations

- (1) Each voter shall place 1 ballot paper in the official envelope. The voters shall not alter the ballot paper in any way.
- (2) After leaving the separate area designated for the placing of ballot papers in the official envelope, each voter shall place the official envelope containing the ballot paper in the ballot box in the presence of the district election commission. If a voter is unable to place the official envelope containing his/her ballot paper into a ballot box himself/herself, another voter, except for the members of the district election commission and special district election commission, may do so on the disabled voter's behalf.
- (3) The voters who do not enter the area designated for the placing of the ballot paper in the official envelope, shall not be permitted to vote by the district election commission or special district election commission.

§ 43

Order at the Polling Station and in Its Immediate Vicinity

The chairmen of the district election commissions or special district election commissions shall bear responsibility for the order at the polling station and in their immediate vicinity. Their instructions concerning the order in the course of voting in accordance with the law are binding for all persons present.

§ 44

Suspension of the Polls

- (1) After the end of voting on the first day of the presidential elections, each district election commission and special district election commission shall secure all the ballot boxes and – if applicable – mobile ballot boxes, in order to ensure that no ballot papers may be removed or placed inside, as well as secure all other election documents. Before the start of voting on the second day of the presidential election, the chairmen of the district election commissions or special district election commissions shall verify, in the presence of the members of the district election commissions or special district election commissions, that the secured ballot boxes and documents remain intact.
- (2) If any circumstance occurs preventing the polls from being opened or continued, the district election commissions or special district election commissions may postpone the opening of the polls or suspend the polls, however only by up to 1 hour. The district election commissions shall inform the voters in a customary way about such measure, and also the respective municipal authority, designated municipal authority and the regional authority. The special district election commissions shall inform the voters in a customary way and also the diplomatic mission. If the polls are suspended, the district election commissions or special district election commissions shall secure all election documents and both the ballot box and - if applicable - the mobile ballot box in order to ensure that no official envelope may be placed inside or removed. When the polls are resumed, the chairmen of the district election commissions or special district election commissions shall verify, in the presence of the members of the district election commissions or special district election commissions, that the secured ballot boxes and documents remain intact. The district election commissions or the special district election commissions shall note all facts related to the postponing, suspension or extension of the polls in the record of the course and result of voting.

§ 45

Inspection and Counting of Votes

- (1) Members of the State Election Commission, Ministry of the Interior employees constituting the secretariat of the State Election Commission, and

regional authority employees authorized pursuant to a separate legal regulation¹¹ and delegated municipal authority employees authorized pursuant to a separate legal regulation¹¹, can conduct inspection on site in the course of voting and counting of the votes, which is done by the members of the district election commission at the polling stations. Any such inspection shall be recorded and the resulting report enclosed to the election documents.

- (2) All instructions of the competent regional authorities and designated local authorities, except for instructions concerning the determination of election results, are binding for the district election commissions. All detected minor deficiencies shall be removed immediately by the chairmen of the district election commissions. If serious deficiencies are detected, the inspecting person shall instruct the respective district election commission to remove them, which shall then suspend voting in accordance with section 44 or suspend the counting of votes. The suspension of the counting of votes shall be based on the same procedure as the suspension of voting.
- (3) Election observers from international bodies and organizations established pursuant to an international treaty binding for the Czech Republic, and from the Organization for Security and Cooperation in Europe have the right to be present during the voting and the counting of the votes at the polling stations both in the Czech Republic and abroad. The respective organizations shall inform the Ministry of Foreign Affairs no later than 3 days before the presidential elections about the presence of their observers. The Ministry of Foreign Affairs shall publish the list of such international bodies and organization on its website; the election observers may not interfere with the course of voting or the counting of votes.

§ 46

Information on the Course of Voting

Members of the district election commissions and special district election commissions and those with the right to be present in the room, in which the district election commission and special district election commission counts the votes, may not publish any information on the course of voting and partial election results, until the record of the course and result of voting has been signed; Informing about the number of voters who have already voted shall be excluded from the ban.

§ 47

Closing of the Polls

- (1) Each polling station shall be closed at the end of the time limit designated for the polls. However, all voters present inside the polling stations or waiting outside shall be allowed to vote before the polls close. Afterwards, the chairmen of the district election commissions or special district election commissions shall declare the polls closed.
- (2) As soon as the chairmen of special district election commissions in the special electoral districts, in which the voting takes place pursuant to section 2, subsection 4, declare the polls closed, the special district election commissions shall proceed pursuant to the first sentence of section 44, subsection 1 and suspend its session until the counting of the votes begins (§ 49).

CHAPTER V

DETERMINING OF PRESIDENTIAL ELECTION
RESULTS

§ 48

**Presence during the Counting of Votes by the District Election
Commission**

The following persons may be present in the rooms in which the district election commissions count the votes: Employees of the Czech Statistical Office authorized pursuant to section 10, subsection 2(b), municipality employees assigned to the designated municipal authority and authorized pursuant to a separate legal regulation¹¹, regional employees assigned to the regional authority and authorized pursuant to a separate legal regulation¹¹, members of the State Election Commission and employees of the Ministry of the Interior constituting the State Election Commission secretariat, election observers pursuant to section 45, subsection 3, as well as persons permitted to do so by the State Election Commission.

§ 49

Counting of Votes by District Election Commissions and Special District Election Commissions

- (1) The special district election commissions shall start counting the votes, as soon as the polls close in the territory of the Czech Republic ends.
- (2) After the polls close in the territory of the Czech Republic, the chairman of the district election commission and special district election commission shall have the remaining unused ballot papers and official envelopes sealed and afterwards he shall have the ballot box opened.
- (3) The district election commissions shall take out all official envelopes containing ballot papers out of the ballot boxes. All mobile ballot boxes, if they have been used by the district election commissions at an expressive request of individual voters, shall be also opened, all official envelopes containing ballot papers shall be taken out and the contents of all ballot boxes shall be mixed together. The district election commissions and the special district election commissions shall exclude all envelopes that are not official envelopes. All ballot papers placed in the ballot box or the mobile ballot box without an official envelope shall be also excluded. Afterwards, the district election commissions and the special district election commissions shall count all official envelopes and compare their number with the figures recorded in the excerpts from permanent and special lists or the special lists administered by diplomatic missions.
- (4) After taking the ballot papers out of the official envelopes, each district election commission and special district election shall review the ballot papers, assign them to individual candidates and count them. The determined number of valid ballot papers for each candidate is the number of valid votes received by each candidate.
- (5) Each member of the district election commission and special district election commission may view the ballot papers. The chairman of the district election commission and special district election commission shall supervise the correct counting of the votes.

§ 50

Assessment of Ballot Papers

- (1) Ballot papers that are not on the official form or are torn shall be regarded as invalid.

- (2) The district election commission or special district election commission shall remove as invalid all ballot papers specified in subsection 1 and mark the reason for their invalidity.
- (3) If there are multiple ballot papers in an official envelope, it is an invalid manner of voting; such ballot lists shall be disregarded and the district election commissions or special district election commissions shall remove them as invalid and mark the reason for their invalidity.
- (4) Folded or damaged ballot papers shall be regarded as valid as long as all the required information is still clearly visible. Ballot papers which have been modified by the voter in various ways shall be also regarded as valid, as long as all the required information is still clearly visible.
- (5) The validity of ballot papers and the validity of votes shall be confirmed by the district election commission or the special district election commission.

§ 51

Record of the Course and Result of Voting in Electoral Districts and Special Electoral Districts

- (1) The district election commissions and special district election commissions shall produce two identical copies of the record of the course and result of voting. The record shall be signed by members of the district election commission or special district election commission; if any member of the commission refuses to sign the record, the reasons shall be stated in a separate annex enclosed to the record.
- (2) Each record of the course and result of voting produced by the district election commission or special election commission shall include
 - a) identification of the electoral district or special electoral district,
 - b) the time of opening and closing of the polls, or - if applicable - the postponement, suspension or extension of voting, including the reasons,
 - c) the number of persons in the electoral district or special electoral district registered in the excerpt from the permanent list and in the excerpt from the special list, or from the excerpt from the special list administered by the diplomatic missions,

- d) the number of voters who were given official envelopes,
 - e) the number of official envelopes cast in the ballot box,
 - f) the number of valid votes received by each candidate and the number of valid votes received by all candidates,
 - g) a brief summary of the contents of notifications and complaints, which were submitted to the district election commission or special district election commission, resolution adopted by the commission and a brief justification.
- (3) Only the software supplied by the Czech Statistical Office may be used by the district election commissions and special district election commissions to produce computer records of the course and result of the voting and/or to record election-related data on a data medium. If the district election commission or the special district election commission uses computer data for the drafting of the record of the course and result of voting, or for recording election data on a data medium, it shall use the software supplied by the Czech Statistical Office.

§ 52

Submission of the Record of the Course and Result of Voting to the Czech Statistical Office

- (1) As soon as the record of the course and result of voting in the electoral district is signed, the chairman of the district election commission or another authorised member of the district election commission shall immediately submit one copy of the record of the course and result of voting, together with the results of voting, where applicable, on a data medium over to the Czech Statistical Office through its temporary office located on the premises of the designated municipal authority.
- (2) As soon as the record of the course and result of voting in the special electoral district is signed, the chairman of the special district election commission or another authorised member of the special district election commission shall immediately submit one copy of the record of the course and result of voting and also, where applicable, the result of voting, on a data medium over to the Czech Statistical Office through its temporary office located on the premises of the Ministry of Foreign Affairs.
- (3) If the submitted record of the course and result of voting in the electoral

district contains errors and the chairman of the district election commission or another authorised member of the district election commission is entitled to correct errors in the record of the course and result of voting, all such errors shall be corrected on site. If however the chairman of the district election commission or another authorised member of the district election commission is not entitled to correct these errors, or if materials located at the polling station are necessary in order to correct such errors, the record of the course and result of voting shall be rejected and a time limit shall be set for the correction of these errors and for the production of a new record of the course and result of voting in the respective electoral district.

- (4) If the submitted record of the course and result of voting in a special electoral district contains errors, it shall be rejected and a time limit shall be set for the for the correction of errors and for the production of a new record of the course and result of voting in the respective special electoral district.
- (5) After submitting the record of the course and result of voting for further processing, the chairman of the district election commission or special district election commission, or another authorised member of the district election commission or special district election commission, shall receive a printout from the Czech Statistical Office confirming that the results of the voting in his/her electoral district or special electoral district have been submitted for further processing without errors. The chairman of the special district election commission or another authorised member of the special district election commission shall receive the aforementioned document via the Ministry of Foreign Affairs. The Czech Statistical Office shall also issue the instruction that the district election commissions or special district election commissions may end their session on the second day of the presidential elections. Section 58 shall remain unaffected.
- (6) Should any district election commission or special district election commission fail to meet its obligations under section 1 or 2 at the request of the Czech Statistical Office within 24 hours after the closing of the polls pursuant to section 47, or before the time limit pursuant to subsection 3 or 4, the final result of the presidential elections may be processed without the respective electoral district or special electoral district. After the expiration of this period, the voting results from the respective electoral district or special electoral district shall be disregarded.
- (7) One copy of the record of the course and result of voting, the submitted absentee voting certificates, all returned ballot papers and official envelopes, the excerpt from the permanent list, the excerpt from the special

list or the excerpt from the special list administered by the diplomatic mission, the confirmation of the submission of the voting results for further processing and - if applicable - an inspection report shall be sealed by the district election commission or special district election commission. The district election commissions shall give the above mentioned documents together with other election documents to the respective municipal authority for safekeeping, the special election commission shall submit these documents to the diplomatic missions which shall forward them together with other election documents to the Ministry of Foreign Affairs.

§ 53

Determination of the Presidential Elections Results

- (1) The Czech Statistical Office through its temporary offices located on the premises of the designated municipal authorities and the Ministry of Foreign Affairs, shall collect the voting results from all electoral districts and special electoral districts which submitted the voting results within the set time limit pursuant to section 52; it shall determine the final result of the presidential election and shall produce a record of the presidential election result.
- (2) The State Election Commission shall authorize the record of the presidential elections result submitted by the Czech Statistical Office. The record shall be signed by members of the State Election Commission; should any member refuse to sign it, his/her reasons shall be stated in a separate document enclosed to the record.
- (3) The record of the State Election Commission shall include the following information:
 - a) The total number of electoral districts and the number of district election commissions which submitted the voting results,
 - b) The total number of special electoral districts and the number of special district election commissions which submitted the voting results,
 - c) The total number of persons registered in the excerpts from the permanent lists, the special lists and the special lists administered by diplomatic missions,
 - d) The total number of voters who were given an official envelope,

- e) The total number of cast official envelopes,
- f) The total number of valid votes received by all candidates,
- g) The order of candidates based on the number of received valid votes and the number of these votes; should more candidates receive the same number of votes, they shall be listed in alphabetical order,
- h) The name and surname of the elected candidate (§ 54) or the information - if applicable - that no candidate has received the required number of votes to be elected.

§ 54

Election of the Candidate

The candidate acquiring absolute majority of all valid votes of eligible voters who came to the polls and cast a valid vote (hereinafter referred to as the “eligible voter”) shall be elected.

§ 55

Announcement of Presidential Elections Result after First Round

Based on the determined results, the State Election Commission shall

- (1) announce and present the final result of the presidential election if the president is elected in the first round (§ 57), or
- (2) announce the result of the first round of the presidential election by publishing the record of the result of the presidential election on the election website of the Ministry of the Interior.

§ 56

Second Round of Presidential Elections

- (1) In case no candidate receives the required number of votes to be elected in the first round pursuant to section 54, the Ministry of the Interior shall provide for the second round to be held 14 days after the start of the first

round of the presidential elections with the time and place of the election pursuant to section 2.

- (2) Two candidates who received the highest number of valid votes from the eligible voters during the first round of the presidential elections shall proceed to the second round. If more candidates place first with the same number of votes from the eligible voters, all such candidates shall proceed to the second round from the first position only. If more candidates place second with the same number of valid votes received from eligible voters, the candidate who placed first and all candidates who placed second shall proceed to the second round.
- (3) If the candidate who proceeds to the second round of the presidential elections loses his/her electability or resigns from the election before the second round, the candidate with the next highest number of valid votes from eligible voters in the first round shall proceed to the second round. The second round of the presidential elections shall be held also in case that here is only one candidate.
- (4) The Ministry of the Interior shall immediately after the expiration of the period specified in section 27, subsection 1 publish on its election website which candidates proceed to the second round of the presidential elections.
- (5) Ballot papers for the second round of the presidential elections shall be printed pursuant to section 28, subsections 3 and 4, whereas the ballot papers of all candidates from the first round shall be printed with the title “the second round of the presidential elections”. The Ministry of the Interior shall send the ballot papers through the designated municipal authorities to the mayors, who shall ensure the delivery of ballot papers to the district election commissions. The district election commissions shall select the ballot papers of the candidates proceeding to the second round. The voters shall receive the ballot papers on the election day at the polling stations. Special electoral districts shall use the ballot papers from the first round for the candidates proceeding to the second round and stamp them with the text saying “the 2nd round”.
- (6) The provisions of this Act shall be applied adequately to the second round.
- (7) The candidate receiving the highest number of valid votes from eligible voters in the second round shall be elected President. If there are more candidates with the same number of votes, no President shall be elected.

Announcement and Presentation of the Final Result

- (1) The State Election Commission shall announce the final result of the presidential elections by publishing the record of the result of the presidential elections produced by the State Election Commission in the Collection of Laws.
- (2) The State Election Commission shall present the final result of the presidential elections to the President of the Senate or to the Chair of the Chamber of Deputies in case that the position of the President of the Senate is not filled at the time.

§ 58

Termination of Activities of District Election Commissions and Special District Election Commissions

- (1) Activities of the district election commissions and special district election commissions related to the presidential elections shall be terminated on the fifteenth day after the after the announcement of the final result of the presidential elections by the State Election Commission.
 - (2) If a motion to declare the presidential elections invalid is filed (§ 66), the activities of the district election commissions and special district election commissions shall be terminated as of the day when the court ruling enters into force if the motion is denied or if the motion is sustained and the presidential elections are to be repeated, or shall be terminated on the fifteenth day after the announcement of the final result of the part of presidential election which was repeated.

§ 59

New Presidential Elections, Repeated Presidential Elections or Partially Repeated Presidential Elections

- (1) The presidential elections shall be repeated if
 - a) the President is not elected, or
 - b) if the elected candidate dies before taking the presidential oath or

refuses to take the presidential oath or takes the oath with reservation.

- (2) Repeated presidential or partially repeated presidential elections shall be held if the court sustains the motion to declare the presidential elections invalid (§ 66). If the court rules in favour of partially repeating the presidential elections, the election authorities shall repeat the acts pursuant to this Act which were ruled invalid by the court, and all other acts which are directly related.
- (3) New or repeated presidential elections shall be announced by the President of the Senate no later than 10 days after the occurrence of reasons defined in subsection 1 or 2, whereas the date set for the repeated presidential elections shall be no later than 90 days since the announcement. The time limits under this Act shall apply accordingly to the new or repeated presidential elections.
- (4) Partially repeated presidential elections shall be announced by the President of the Senate no later than 10 days after the occurrence of the reason defined in subsection 2 and at the same time no later than 30 days before the first act to be repeated. Time limits under this Act shall apply accordingly for the partially repeated presidential elections.

§ 60

Entitlements of the Members of District Election Commission and Special District Election Commissions

- (1) Each member of the district election commission or the special district election commission shall be entitled to receive special remuneration for the performance of his/her duties. Each member of the district election commission or the special district election commission, who is employed or in public service, shall be entitled to receive a leave of absence in the necessary extent and the compensation for his/her pay or wage or public service income or a remuneration in the amount of an average pay from the respective employer. Each member of the district election commission or the special district election commission, who is not employed or in public service, however is gainfully occupied in another way, shall be entitled to receive a lump sum remuneration for the lost earnings during his/her performance of duties as a member of the district election commission or special district election commission.
- (2) Membership of the district election commission or special district election

commission shall be regarded as other acts in the public interest.

§ 61

Entitlements of the Candidates

(1) Each candidate is entitled to ask his/her employer to grant him/her an unpaid leave of absence, from the day following the date of registration of the candidate list until the day preceding the presidential elections, or - if applicable - until the day preceding the second round of the presidential elections. Activities of the candidate during this period shall be regarded as other acts in the public interest.

(2) The fact that a person is a candidate in the presidential elections must not have any negative effect on the candidate's labour or service relations.

CHAPTER VI

ADMINISTRATIVE OFFENCES

§ 62

Offences

- (1) Any natural person publishing pre-election or election polls in breach of section 35, subsection 6 commits an offence.
- (2) The person can be fined up to CZK 30,000 for an offence under subsection 1.

§ 63

Administrative Offences of Legal Persons or Natural Persons Conducting Business

- (1) A legal person or natural person conducting business commits an administrative offence if the person, as a radio or television operator or as a publisher of periodicals, broadcasts or publishes pre-election or election polls in breach of section 35, subsection 6.
- (2) Any such legal person or natural person conducting business may be fined up to CZK 500,000 for an administrative offence under subsection 1.

§ 64

Joint Provisions regarding Administrative Offences

- (1) A legal person shall not bear responsibility for the administrative offence if able to prove that the legal person made every reasonable effort to prevent such violation of legal obligation.
- (2) The assessment of the fine shall reflect the seriousness of the administrative offence, especially the manner of its commitment, its consequences and circumstances under which the offence was committed.
- (3) The responsibility of a legal person for an administrative offence shall expire, if the respective administrative body does not start administrative proceedings within 3 months from the day it learned about it, however no later than 3 years from the day the offence was committed.
- (4) In the first instance, administrative offences under this Act shall be considered by the respective regional authority in a delegated competence.
- (5) Provisions of this Act on the responsibility and sanctioning of legal persons shall apply also to actions committed in the course of business activities of a natural person or in a direct connection to them.
- (6) Imposing a fine under this Act does not affect any provisions on sanctions in the Radio and Television Broadcasting Act. Each fine shall be payable within 30 days after the resolution on imposing the fine enters into force.

CHAPTER VII

JUDICIAL REVIEW

§ 65

Protection in the Matter of Candidate List Registrations

- (1) Within two working days after receiving the decision to deny candidate list registration, the nominating deputies, nominating senators, nominating citizen or the candidate, whose candidate list was denied registration, can

appeal the decision before court pursuant to a separate legal regulation¹².

- (2) Within two working days after receiving the decision, the nominating deputies, nominating senators and the nominating citizen can appeal the registration of a candidate list before court pursuant to a separate legal regulation¹².

§ 66

Protection in the Matter of Presidential Elections

- (1) Each citizen registered in the permanent list or the special list administered by the diplomatic mission, the nominating deputies, nominating senators or nominating citizen (hereinafter referred to as the “petitioner”) can file a motion to declare the presidential elections invalid. The motion must be filed no later than 7 days after the State Election Commission announces the final result of the presidential elections.
- (2) The petitioner may file a motion to declare the election invalid, if convinced that the provisions of this Act have been breached in a way which might have affected the presidential elections results.

§ 67

Infringement Proceedings in the Matter of Campaign Financing

- (1) Any presidential candidate may seek before court pursuant to a separate legal regulation¹² a ruling that the campaign financing rules have been breached pursuant to this Act by receiving funds or other benefits with an estimated monetary value without the information about the real origin, by exceeding the campaign expenditure limit, by violating the obligation to keep accounting records of the campaign financing or make them public pursuant to this Act, and in what way and to what extent such obligation has been breached.
- (2) The motion must be filed no later than 60 days after the day of online publication of the accounting records on the candidate’s website or 60 days after the expiry of the time limit for its publishing.

§ 68

Court Jurisdiction

Proceedings pursuant to section 65 and 66 fall within the jurisdiction of the Supreme Administrative Court. Proceedings pursuant to section 67 fall within the jurisdiction of the Municipal Court in Prague.

CHAPTER VIII

JOINT AND ENABLING PROVISIONS

§ 69

Enabling Provision

The Ministry of the Interior shall issue a decree specifying

- a) the procedure of the Ministry of the Interior, regional authorities, designated municipal authorities, municipal authorities and diplomatic missions for storing and archiving ballot papers and other election documents,
- b) in agreement with the Czech Statistical Office
 - (1) the procedure of the Ministry of the Interior for providing information from the candidate lists so that the Czech Statistical Office can create a candidate register, and also the procedure for verifying the information on the candidate lists and the procedure of the State Election Commission for the drawing of the numbers to be featured on the ballot papers,
 - (2) a sample of candidate lists with annexes, sample of ballot papers, sample of records of inspection, samples of forms for the determination and processing of the presidential elections results and samples of other documents,
- c) in agreement with the Ministry of Employment and Social Affairs and the Ministry of Finance the special remuneration amount for performing the duties of a member of district election commission and special district election commission, the lump sum compensating for the lost earnings for

the period of performing the duties of a member of the district election commission.

§ 70

Electoral Bodies Expenditures

Administrative authorities and electoral bodies related to the presidential elections shall be covered by the state budget.

§ 71

Joint Elections

- (1) If the presidential elections are held together with parliamentary elections, the district election commissions and special district election commissions shall not be set up pursuant to this Act. The district election commissions and special district election commissions established for the parliamentary elections shall serve as district election commissions and special district election commissions for the presidential elections as well. Any citizen, who is entitled to nominate a presidential candidate and the candidate list submitted by the citizen has been registered, may delegate one member and one substitute to the district election commission.
- (2) If the presidential elections are held together with elections to the European Parliament or with regional elections, the district election commissions established for the European or regional elections shall serve as the district election commissions for the presidential elections as well. Any citizen, who is entitled to nominate a presidential candidate and the candidate list submitted by the citizen has been registered, may delegate one member and one substitute to the district election commission. Special district election commissions shall be established pursuant to this Act.
- (3) If the presidential elections are held together with municipal elections, the district election commissions established for the municipal elections shall serve as district election commissions for the presidential elections as well. Any citizen, who is entitled to nominate a presidential candidate and the candidate list submitted by the citizen has been registered, may delegate one member and one substitute in the district election commission. Special district election commissions and district election commissions in military districts shall be established pursuant to this Act.

- (4) If the presidential elections are held together with senate elections, the district election commissions established for the presidential elections shall serve as the district election commissions for the senate elections as well. One member and one substitute to the district election commission in the constituency in which the senate elections are held can be nominated by any political party, political movement, coalition and independent candidate, whose application for registration has been registered for the senate elections in the election constituency comprising the respective electoral district.
- (5) If joint elections are held, the voters place their ballot papers for the presidential candidates in one envelope used also for the other elections held at that time.
- (6) If joint elections are held, the district election commissions shall submit the record of the course and result of voting in the electoral district, or - if applicable - the voting results, on data media in the city of Prague, in Brno, Ostrava and Plzeň to the designated municipal authorities pursuant to section 6, subsection 1(f).

§ 72

Position towards the Code of Administrative Procedure

The Code of Administrative Procedure does not apply to this Act, with the exception of offence proceedings and other administrative offences.

§ 73

Time Limits

- (1) Time limits do not include the day determining the beginning of the time limit; This provision shall not apply to time limits expressed in hours.
- (2) Time limits that are 24 hours or 48 hours pursuant to this Act end with the start of the hour having the same designation as the hour decisive for the determination of the time limits. In other cases of time limits expressed in hours, the time limits end with the passing of the specified hour.
- (3) Time limits expressed in days shall be regarded as met, if the respective acts are executed before the relevant body no later than at 16:00.

- (4) The time limits may not be extended or their default excused, with the exception of time limits pursuant to section 15.

§ 74

- (1) Each diplomatic mission shall verify after the announcement of the presidential elections pursuant to section 3, whether the legislation of the state in which it is located, allows the citizens of the Czech Republic to vote in the presidential elections or whether a special permission is necessary in order to organize the polls. If so, the respective diplomatic mission shall apply for such permission.
- (2) If the citizens are not allowed to vote in the presidential elections on the premises of the respective diplomatic mission because it is not permitted by law in the state in which the diplomatic mission is located, each voter registered in the special list administered by the respective diplomatic mission shall receive an absentee voting certificate and be informed where the nearest special election district in which he/she can vote is situated.
- (3) If this Act requires certifying a copy of a document or the authenticity of a signature, this condition shall be considered fulfilled outside the territory of the Czech Republic, if the certification is done by a respective foreign authority or a person in the state to which the diplomatic mission, to which the document is presented, is accredited.

CHAPTER IX

TRANSITIONAL PROVISION

§ 75

All necessary acts in connection with the presidential elections performed before the day on which this Act enters into force shall be regarded as acts performed pursuant to this Act.

PART TWO

Amendment to the Act on Establishment of Ministries and other Central Bodies of the Czech Republic

§ 76

Act No. 2/1969 Coll., on Establishment of Ministries and other Central Bodies of the Czech Republic, as amended by Act No. 34/1970 Coll., Act No. 147/1970 Coll., Act No. 125/1973 Coll., Act No. 25/1976 Coll., Act No. 118/1983 Coll., Act No. 60/1988 Coll., Act No. 173/1989 Coll., legal measure of the Board of the Czech National Council No. 9/1990 Coll., Act No. 93/1990 Coll., Act No. 126/1990 Coll., Act No. 203/1990 Coll., Act No. 288/1990 Coll., legal measure of the Board of the Czech National Council No. 305/1990 Coll., Act No. 575/1990 Coll., Act No. 173/1991 Coll., Act No. 19/1992 Coll., Act No. 23/1992 Coll., Act No. 103/1992 Coll., Act No. 167/1992 Coll., Act No. 239/1992 Coll., legal measure of the Board of the Czech National Council No. 350/1992 Coll., Act No. 358/1992 Coll., Act No. 359/1992 Coll., Act No. 474/1992 Coll., Act No. 548/1992 Coll., Act No. 21/1993 Coll., Act No. 166/1993 Coll., Act No. 285/1993 Coll., Act No. 47/1994 Coll., Act No. 89/1995 Coll., Act No. 289/1995 Coll., Act No. 135/1996 Coll., Act No. 272/1996 Coll., Act No. 152/1997 Coll., Act No. 15/1998 Coll., Act No. 148/1998 Coll., Act No. 63/2000 Coll., Act No. 130/2000 Coll., Act No. 154/2000 Coll., Act No. 204/2000 Coll., Act No. 239/2000 Coll., Act No. 257/2000 Coll., Act No. 258/2000 Coll., Act No. 365/2000 Coll., Act No. 458/2000 Coll., Act No. 256/2001 Coll., Act No. 13/2002 Coll., Act No. 47/2002 Coll., Act No. 219/2002 Coll., Act No. 517/2002 Coll., Act No. 62/2003 Coll., Act No. 162/2003 Coll., Act No. 18/2004 Coll., Act No. 362/2004 Coll., Act No. 421/2004 Coll., Act No. 499/2004 Coll., Act No. 501/2004 Coll., Act No. 587/2004 Coll., Act No. 95/2005 Coll., Act No. 127/2005 Coll., Act No. 290/2005 Coll., Act No. 57/2006 Coll., Act No. 70/2006 Coll., Act No. 71/2006 Coll., Act No. 179/2006 Coll., Act No. 186/2006 Coll., Act No. 189/2006 Coll., Act No. 225/2006 Coll., Act No. 267/2006 Coll., Act No. 110/2007 Coll., Act No. 274/2008 Coll., Act No. 297/2008 Coll., Act No. 304/2008 Coll., Act No. 295/2009 Coll., Act No. 375/2011 Sb. a Act No. 458/2011 Coll., shall be amended as follows:

- (1) In section 6, subsection 3(k) the words “and the presidential election” shall be added after the words “Czech Republic”.
- (2) Section 12, subsection 1 (1) shall read as follows:

„l) election to the municipal and regional councils, to the Parliament of the Czech Republic, the European Parliament held in the territory of the Czech Republic and the election of the President of the Republic,”

PART THREE

Amendment to Act on Inheritance Tax, Gift Tax and Real Estate Transfer Tax

§ 77

In section 6 of Act No. 357/1992 Coll., on Inheritance Tax, Gift Tax, and Real Estate Transfer Tax, as amended by Act No. 322/1993 Coll., Act No. 85/1994 Coll., Act No. 132/2000 Coll., Act No. 420/2003 Coll., Act No. 261/2007 Coll. and Act No. 402/2010 Coll., the full stop at the end of subsection 4 shall be replaced by comma and paragraph g) shall be added and read as follows:

„g) gratuitous acquisition of property intended to finance the election campaign of a presidential candidate pursuant to the Presidential Elections Act.”.

§ 78

Transitional Provision

If in the period from 8 February 2012 until the day of entry into force of this Act, a gratuitous acquisition of property is made intended for the financing of the election campaign of a presidential candidate during the first presidential elections, the following provision shall apply: section 6, subsection 4 (g) of Act No. 357/1992 Coll., as effective from the day of entry into force of this Act.

PART FOUR

Amendment to Constitutional Court Act

§ 79

Act No. 182/1993 Coll., on the Constitutional Court, as amended by Act No. 331/1993 Coll., Act No. 236/1995 Coll., Act No. 77/1998 Coll., Act No. 18/2000 Coll., Act No. 132/2000 Coll., Act No. 48/2002 Coll., Act No. 202/2002 Coll., Act

No. 320/2002 Coll., Act No. 114/2003 Coll., Act No. 83/2004 Coll., Act No. 120/2004 Coll., Act No. 234/2006 Coll., Act No. 342/2006 Coll. and Act No. 227/2009 Coll., shall be amended as follows:

1. In section 43, subsection 2 (b), the words „, § 97, 105“ shall be added behind the words „§ 71a, subsection 1“.
2. Section 96 shall be deleted.
3. In section 97, subsection 1 and 2, section 104, subsection 1 and in section 105, subsection 1, the words „high treason” shall be followed by the words “or serious breach of the Constitution or another aspect of the constitutional order”.
4. Section 98, subsection 3 shall read as follows:

„(3) The fact that the President of the Republic has resigned from his office after the start of the proceedings or that his term in office has ended, shall not be a reason to terminate the proceedings.”
5. Section 101, subsection 1 shall read as follows:

„(1) As needed, the Rapporteur shall complete the investigation carried out by the Senate, or shall invite the Senate to complete the investigation of the charges, and make preparations for the oral hearing.”
6. In section 102, the word „particularly” shall be replaced by “at least”.

PART FIVE

Amendment to the Advertising Regulation Act

§ 80

In section 2 of Act No. 40/1995 Coll., on Regulation of Advertising and on Amendments to and Supplementing of Act No. 468/1991 Coll., on Radio and Television Broadcasting, as amended by Act No. 138/2002 Coll., Act No. 480/2004 Coll., Act No. 384/2005 Coll., Act No. 36/2008 Coll. and Act No. 132/2010 Coll., shall at the end of subsection 1 replace the full stop by a comma and add a paragraph g) which shall read as follows:

„g) anonymous advertisement related to the elections at the time of the election

campaign pursuant to election law.”.

PART SIX

Amendment to the State Statistical Services Act

§ 81

In section 4, subsection 1 of Act No. 89/1995 Coll., on the State Statistical Service, as amended by Act No. 230/2006 Coll., paragraph p) shall read as follows:

„p) execute state administration in the area of processing of results of the elections to regional and municipal councils, Parliament of the Czech Republic, European Parliament held in the territory of the Czech Republic and presidential elections and the processing of results from national referenda in the extent defined by separate legal regulations.”.

PART SEVEN

Amendment to Act on the Rules of Procedure of the

Chamber of Deputies

§ 82

Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies, as amended by Act No. 47/2000 Coll., Act No. 39/2001 Coll., Act No. 78/2002 Coll., Act No. 192/2002 Coll., Act No. 282/2004 Coll., Act No. 359/2004 Coll., Act No. 482/2004 Coll., Act No. 167/2005 Coll., Act No. 205/2006 Coll., Act No. 573/2006 Coll., Act No. 162/2009 Coll., Act No. 402/2009 Coll., Act No. 265/2011 Coll. and Act No. 375/2011 Coll., shall be amended as follows:

1. In section 29, subsection 1 paragraphs b) and c) shall be deleted. The existing paragraphs d) to i) shall become paragraphs b) to g).
2. In section 50, subsection 1 the paragraph j) shall be deleted. The existing paragraphs k) to zb) shall become paragraphs j) to za).
3. Section 70, subsection 5 shall be supplemented and including the footnote

12a shall read as follows:

„(5) In order to approve the motion to impeach the President of the Republic before the Constitutional Court on the grounds of high treason or severe breach of the Constitution or other aspect of the constitutional order, the majority of three fifths of all deputies must be in favour. If the Chamber of Deputies does not give its consent within 3 months from the day on which the Senate requested it, the consent has not been given.^{12a)}”

Footnote 12a):

Article 65, paragraph 3 of the Constitution of the Czech Republic.“.

4. Section 80 shall be deleted.

5. Section 81 shall read as follows:

„§ 81

After the election of the President of the Republic, the Chair of the Chamber of Deputies shall summon a joint session of the Chamber of Deputies and the Senate at which the President of the Republic shall take his/her oath before the President of the Senate.”

6. In Appendix No. 2, Article 1(8), the second sentence shall be deleted.

7. In Appendix No. 2, Article 2 shall be deleted including the title.

PART EIGHT

Amendment to the Public Health Insurance Act

§ 83

In section 5(a) of Act No. 48/1997 Coll., on Public Health Insurance and on Amendments to and Supplement of Certain Related Acts, as amended by Act No. 298/2011 Coll. and Act No. 365/2011 Coll., item 7 shall read as follows:

„7. A member of the district election commission during the elections to the European Parliament, Senate and regional and municipal authorities, and a member of a district election commission and special district election

commission during the elections to the Chamber of Deputies and the election of President of the Republic,”.

PART NINE

Amendment to the Act on Rules of Procedure of the Senate

§ 84

Act No. 107/1999 Coll., on the Rules of Procedure of the Senate, as amended by Act No. 78/2002 Coll., Act No. 172/2004 Coll., Act No. 625/2006 Coll. and Act No. 162/2009 Coll., shall be amended as follows:

1. In section 33, subsection 1, after item a) new items shall be added, items b) through d), which shall read as follows:

„b) declare the presidential election,

c) receive the presidential oath,

d) receive from the President of the Republic the declaration of resignation from office,”.

The existing items b) through j) shall become items e) through m).

2. In section 41, subsection 1, item e) shall be added after item d) and shall read as follows:

„e) examine whether the election campaign financing of a presidential candidate was in compliance with the provision of the Presidential Elections Act; if it finds a violation of the campaign financing rules, it shall publish such findings in a manner enabling a remote access,”.

The existing item e) shall become item f).

3. The title of part seventeen shall be: **“JOINT SESSION OF BOTH HOUSES OF THE PARLIAMENT”**

4. Section 133 and 134 shall be deleted including the footnotes No. 40 and 41.

5. Section 136 including the footnote No. 42 shall read follows:

„§ 136

With the consent of the Chamber of Deputies, the Senate may file a motion before the Constitutional Court to impeach the President of the Republic for high treason or severe breach of the Constitution or another aspect of the constitutional order (hereinafter referred to as the “impeachment motion”)⁴².

Footnote 42);

Articles 65 (2) and (3) of the Constitution.

Section 97 of Act No. 182/1993 Coll., as amended by Act No. 275/2012 Coll.“.

6. In section 137, subsection 1 shall read as follows:

„(1) A motion to impeach the President of the Republic may be submitted by at least one third of Senators.”.

7. In section 137, subsection 2, the words „to bring” shall be deleted and the words “high treason” shall be followed by „or severe breach of the Constitution or another aspect of the constitutional order“.

8. In section 137, subsections 3, 4 and 5, the words „to bring“ shall be deleted.

9. Section 138 shall read as follows:

„§ 138

(1) In order to file a motion to impeach the President of the Republic, at least three fifths of all Senators present must be in favour of the motion.

(2) If the Senate approves the motion to impeach the President of the Republic, it shall authorize the President of the Senate to present the impeachment motion to the Chamber of Deputies for approval. At the same time, it shall authorize one of the senators to substantiate the motion before the deputies. If the impeachment motion is passed, the Senate shall also decide, whether it shall authorize other person than the President of the Senate to represent the Senate during the proceedings before the Constitutional Court.

(3) The President of the Senate shall deliver the motion to impeach the President of the Republic before the Constitutional Court immediately after the Chamber of Deputies gives its consent. The President of the Senate

shall also enclose the Senate resolution to approve the impeachment motion and the resolution of the Chamber of Deputies to give its consent with the motion.”.

10. Section 139 shall read as follows:

„§ 139

The consideration by the Senate of the proposal to file an impeachment motion or to withdraw it⁴⁴ shall be held *in camera*. When considering the proposal to file an impeachment motion, only proposals to approve or reject the motion may be presented. The proposal shall be put to a roll-call vote according to the names of Senators.“.

11. In Appendix No. 2, article 1(9) shall be deleted.

PART TEN

Amendment to the Act on the Collection of Laws and the Collection of International Treaties

§ 85

Act No. 309/1999 Coll., on the Collection of Laws and the Collection of International Treaties, as amended by Act No. 320/2002 Coll., Act No. 114/2003 Coll., Act No. 127/2005 Coll. and Act No. 380/2005 Coll., shall be amended as follows:

1. In section 2, subsection 1, item e) shall be added after item d) and read as follows:

„e) decision by the President of the Senate and if this position is not filled, than by the Chair of the Chamber of Deputies, on the declaration of presidential elections,”.

The existing items e) and f) shall become items f) and g).

2. In section 2, subsection. 1, item f), after the words “other central administrative bodies” the words “State Election Commission” shall be added.

PART ELEVEN

Amendment to Radio and Television Broadcasting Act

§ 86

In Section 48, subsection 1(e) of Act No. 231/2001 Coll., on Radio and Television Broadcasting and on Amendment to Other Acts, as amended by Act No. 132//2010 Coll., the words “Senators” shall be followed by „,President of the Republic“.

PART TWELVE

Amendment to the Municipal Elections Act

§ 87

In section 26, subsection 5 of Act No. 491/2001 Coll., on Elections to Municipal Councils and on Amendment to Certain Acts, the words „,or to the regional councils” shall be replaced by

„, to the European Parliament, to the regional councils or the President of the Republic”.

PART THIRTEEN

Amendment to the Code of Administrative Justice

§ 88

Act No. 150/2002 Coll., Code of Administrative Justice, as amended by Act No. 192/2003 Coll., Act No. 22/2004 Coll., Act No. 237/2004 Coll., Act No. 436/2004 Coll., Act No. 555/2004 Coll., Act No. 127/2005 Coll., Act No. 350/2005 Coll., Act No. 357/2005 Coll., Act No. 413/2005 Coll., Act No. 79/2006 Coll., Act No. 112/2006 Coll., Act No. 159/2006 Coll., Act No. 165/2006 Coll., Act No. 189/2006 Coll., Act No. 267/2006 Coll., Act No. 216/2008 Coll., Act No. 301/2008 Coll., Act No. 314/2008 Coll., Act No. 7/2009 Coll., Act No. 320/2009 Coll., Act No. 118/2010 Coll., ruling of the Constitutional Court announced under No. 130/2011 Coll. and Act No. 303/2011 Coll., shall be amended as follows:

1. In Section 89, subsection 2 the words „an independent candidate or a

political party which has applied for registration,“ shall be followed by the words „or in case of presidential elections at least twenty deputies or at least ten senators who nominated a candidate for the President of the Republic, or a citizen who nominated a candidate for the President of the Republic, or a candidate stated on a candidate list which has been denied registration,“.

2. In section 89, subsection 4, the words „an independent candidate or a political party which has applied for registration,“ shall be followed by the words „or in case of presidential elections at least twenty deputies or at least ten senators who nominated a candidate for the President of the Republic, or a citizen who nominated a candidate for the President of the Republic,“.
3. In section 89, subsection 4, the words “independent candidate, association of independent candidates or association of political parties or political movements or independent candidates,“ shall be followed by the words “at least twenty deputies or at least ten senators who nominated a candidate for the President of the Republic, or a citizen who nominated a candidate for the President of the Republic,“.
4. In section 90, subsection 5 shall be added and read as follows including footnote No. 25:

„(5) Under conditions provided for in a separate Act²⁵⁾ a citizen, at least twenty deputies or at least ten senators who nominated a candidate for the President of the Republic, or a citizen who nominated a candidate for the President of the Republic may seek a court decision on the invalidity of elections. The proceedings shall include the following Parties: the petitioner, the respective electoral body, at least twenty deputies or at least ten senators, who submitted the candidate list of the presidential candidate whose election has been contested, or a citizen, who submitted the candidate list of the presidential candidate whose election has been contested, and the candidate whose election has been contested. The court shall decide by a resolution within twenty days after the petition has reached the court. Proceedings need not be ordered. If the court decides that the election is partially invalid, then the court shall adopt a resolution specifying from which act the election shall be repeated. If the court finds a mathematical mistake of an electoral body determining the polls results, it shall order the respective electoral authority to correct the record of the voting result and announce it.

²⁵⁾ Act No. 275/2012 Coll., on the Election of the President of the Republic and on Amendments to Certain Other Acts (the Presidential Elections Act).“.

5. New section 90a shall be added after section 90 and read as follows

including the title:

„§ 90a

**Infringement Proceedings in the Matter of Campaign
Financing**

- (1) Under conditions pursuant to the Presidential Elections Act, a presidential candidate can demand a court ruling on the breach of the campaign financing rules which occurred in the form of
 - a) an acceptance of financial resources or other benefits with an estimated monetary value which are of unknown or unspecified origin,
 - b) exceeding the election campaign expenditure limit, or
 - c) a violation of the obligation to keep accounting records or to publish them pursuant to a separate Act, and the manner and extent of this violation.
- (2) The Parties shall be the petitioner, the respective election committee and its members and the candidate for the President of the Republic, whose election campaign financing is been contested.
- (3) If the court decides that the rules for election campaign financing have been breached, in what manner and to what extent, it shall decide at the same time that the election committee, within a specified time limit which may not be less than 60 days, must pay to the state budget such amount which is 1.5 times the amount
 - a) corresponding to the amount of the received financial resources or other benefits with an estimated monetary value which were of an unknown or unspecified origin,
 - b) exceeding the election campaign expenditure limit, or
 - c) subjected to the obligation to keep accounting records of the election campaign financing or publish it pursuant to a separate Act.”
6. In section 104, the words: “ ; shall not apply in case of proceedings in the matter of breach of the rules for election campaign financing”, shall be added at the end of subsection 1.

7. In section 107, the existing text shall become subsection 1 and a new subsection 2 shall be added and read as follows:

„(2) A cassation appeal against the ruling in the matter of breach of the rules for election campaign financing shall have a suspensory effect.”.

PART FOURTEEN

EFFECT

§ 89

This Act shall come into effect on 1 October 2012, with the exception of Part Four, item 3, and part 9, items 5 to 10, which shall come into effect on 8 March 2013.

Němcová v. r. **Klaus** v. r. **Nečas** v. r.