



The European Platform for Democratic Elections Press release

Parliamentary Elections Slovak Republic, 5 March 2016

General Information

From 1st till 7th March 2016, 50 EPDE monitors from Poland, Russia, Azerbaijan, Germany, Lithuania, Sweden and Ukraine observed the last stage of the parliamentary election in Slovakia scheduled on 5 March 2016. The monitoring group was established by the EPDE in cooperation with the Polish Forum of Young Diplomats and the International Elections Study Center (Lithuania). On the election day, observers were deployed to all regions (kraj) of Slovakia – Bratislava, Nitra, Žilina, Trenčín, Trnava, Prešov, Banská Bystrica and Košice, visiting over 250 polling stations. Before the election day, the group held briefings with the Head of the State Commission for Elections and Control of Political Parties' Financing (State Commission), the OSCE/ODIHR Election Assessment Mission and representatives of the Ministry of Interior, the Ministry of Foreign Affairs and the leading Slovak election experts' organizations Memo98, Institute for Public Affairs IVO as well as the Slovak Academy of Science.

Due to the limited observation period, this statement focus only some aspects of the campaign, the electoral legislation and the procedures on the election day, as well as their implementation.

Monitoring conclusions

EPDE observers underlined the transparency of the preparation for the election day and the overall trust in and the integrity of the election day proceedings. However, the 2014 adopted Act on Election Campaign¹ prohibits to publish election polls within 14 days before the election day thus limiting the freedom of voters to form an opinion. There are no polling stations established abroad (i.e. at diplomatic representations). Voters, who reside abroad on election day, can vote only via postal voting. The deadline for registering for postal voting is set at 50 days before the election day which limits the right to vote.² Voters who moved abroad within 50 days before election day and did not register before for postal voting are deprived the opportunity to vote unless they return to the country.

¹ Zákon o volebnej kampani a o zmene a doplnení zákona č. 85/2005 Z. z. o politických stranách a politických hnutiach v znení neskorších predpisov.

² Out of estimated 200,000 – 300,000 Slovak citizens living abroad only 1,200 registered for postal voting, out of which 1,049 voted.

The parliamentary elections are conducted within one nation-wide constituency which has a direct impact i.e. on the rather complicated format of the ballots.³ This was criticized by many EPDE interlocutors and shall be a subject of further consideration.

Election observers are not obliged to apply for accreditation. EPDE observers had, as a rule, unhindered access to all polling stations. However, the decision on what information should remain confidential and what information shall be available publicly is within a competence of the Chairman of the precinct election commission (PEC). The question whether photographing and filming should be allowed in the polling stations are not regulated by the 2014 adopted Act on Conditions of the Exercise of Voting Rights (Elections Act).⁴ In several cases EPDE observers recorded obstacles in obtaining information and faced difficulties in getting permission for photographing and filming in the polling stations.

The dense structure of 5,993 polling stations in Slovakia simplifies the access of 4,426,760 registered voters to the voting premises.⁵ According to the Election Act, PECs are made up of minimum five members delegated by the political parties or coalitions of parties⁶. One person – a record-keeper with an advisory vote - is nominated by the respective municipality mayor.

Election commissions were in most cases prepared and trained, however, in some cases the Chairmen were lacking new procedural knowledge. In several observed cases, the PEC were lacking members who denied to work on the short notice. The PECs were often understaffed seeing only five members (excl. one record-keeper) working on election day. In some cases, the EPDE observers were reported by the PECs that commission members denied to take on the Chairman post on a voluntary basis. As a rule, lotteries were conducted to nominate a Chairman, as it is prescribed by Elections Act. In the districts with a large Roma population, members of Roma community were underrepresented in the PECs.

The new Elections Act which was for the first time applied during this parliamentary election, provides for additional safeguards during the voting. To obtain a ballot and the stamped envelope, a voter has to provide a valid identification card (or another document indicating all voters data as the voter register, i.e. the address of permanent residence) and to sign the voter list.⁷ The new Elections Act requires voters to cast special envelopes with filled ballots into the ballot box while the unused ballots shall be placed into a special ballot box. However, the Elections Act does not precisely define the procedure of handling the unused ballots during the postal voting from abroad. There are also no clear provisions on how to seal the ballot boxes.

In many cases the ballot boxes for unused ballots were not sealed and opened several times during the voting day to empty. Unused ballots were regularly removed in unsealed plastic bags.

³ Voters obtained 23 separate ballots – issued for each party or coalition – which contained up to 150 names of candidates printed on both sides. Each voter was allowed to vote for up to four preferential candidates.

⁴ Zákon o podmienkach výkonu volebného práva a o zmene a doplnení niektorých zákonov, č. 180/2014 Z. z., 239/2014 Z. z., 356/2015 Z. z.

⁵ A polling district shall include approx. 1,000 voters.

⁶ Each party or coalition has the right to nominate candidates to PECs. Theoretically, during this parliamentary elections the maximum number of PEC members could be 23 (excl. one record-keeper). Such a large commission was not observed among 250 visited polling stations..

⁷ If an elector is not able to sign the voter list, the PEC shall notify this fact in the voter registry.

In some cases ballot boxes for voting ballots were not sealed. EPDE observers recorded a few cases when voters casted envelopes with filled ballots to the wrong ballot box - commission members were allowed by the Chairmen to take off those envelopes from the wrong box and cast them to the right one. In a few cases voters were allowed to vote without proper ID (i.e. showing the passport) or they refused to cast unused ballot to the proper box.

The new Elections Act does not foresee the counting of unused envelopes nor the unused ballots. During the counting, different approaches rather than a unified procedure were applied to establish the voting results by the observed PECs. The Elections Act provides neither for handing out the copy of the result's protocol to the observers nor other PEC members nor for displaying the protocols for public scrutiny. The protocols are not available for later verification by the citizens and can be revised only by courts. In some cases the establishing of the results was challenging to the PECs. There were different approaches of assessing invalid ballots observed at different PECs. In one observed case ballots were damaged during opening of the envelopes and repaired with a tape. Those ballots were assessed valid.

During the handing over the voting materials at the District Election Commission in Bratislava, several cases of correction of mistakes in the results' protocols by the PECs were observed.

EPDE recommends:

- to define in the Elections Act the status of international and domestic citizens' observers
- to strengthen the transparency of the voting process by ensuring the right of observers to have access to all election-related documents and information
- to allow photographing and filming in the polling stations with respect to publish sensitive voters data
- to display the election results for public scrutiny at the polling stations and allow for handing out of copies of election result's protocols to the observers and other PEC members
- to introduce more inclusive system of voting abroad
- to allow publishing election polls until the end of election campaign
- to introduce sufficient safeguards for ballot boxes with both used and unused ballots, i.e. through a unified stamping procedure or seals
- to provide a format of the ballots and envelopes which would avoid the damaging of the ballots during opening the envelopes
- to introduce transparent ballot boxes
- to introduce different ballot boxes for used and unused ballots, i.e. in different colours
- to strengthen the capacities of PECs by establishing of a sufficient pool of available human resources for the PECs
- to create PECs at penitentiaries, hospitals and houses for elderly thus limiting mobile voting
- to strengthen the capacities of PECs by obligatory sending the final PEC results to Statistical Office via internet
- to strengthen voter education in districts with large Roma minorities
- to provide a list of polling stations with respective addresses sorted by districts on the relevant website

- to reconsider the application of one nation-wide constituency for parliamentary elections.

European Platform for Democratic Elections (EPDE) was established on December 12, 2012 in Warsaw. It is made up of 14 civil society organizations supporting or conducting civil election monitoring in the Eastern Partnership countries, the Russian Federation, and the European Union. The purpose of the EPDE is to provide assistance for the civil election monitoring in the Eastern Partnership countries and the Russian Federation, as well as to contribute to the democratic electoral processes in Europe.