

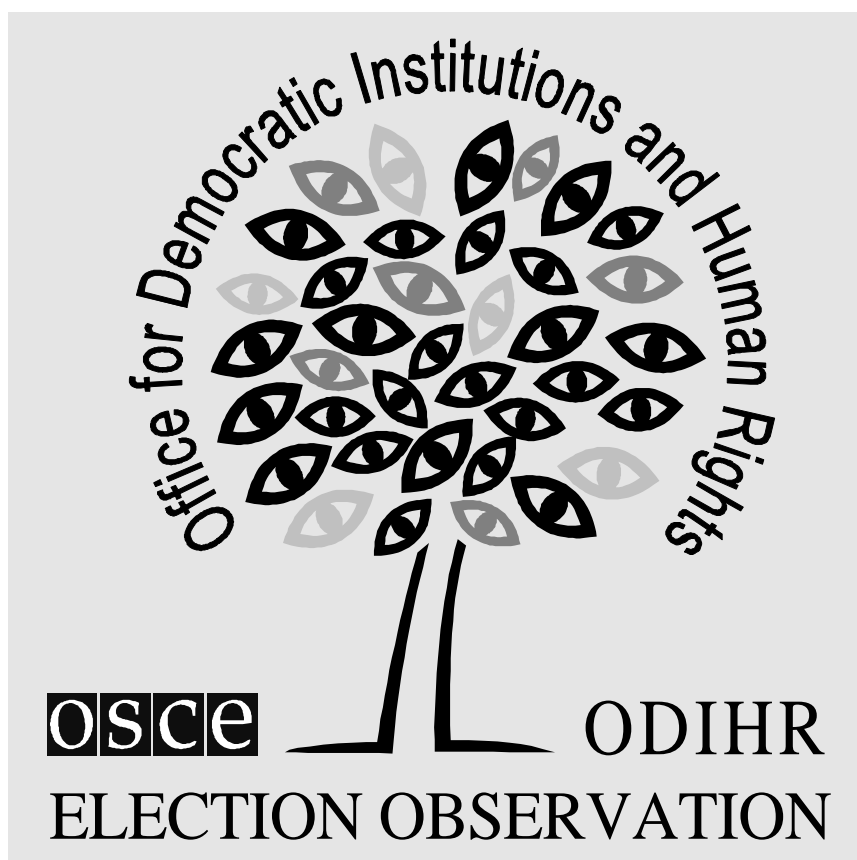


Office for Democratic Institutions and Human Rights

**CZECH REPUBLIC**

**PARLIAMENTARY ELECTIONS**

**19 AND 20 JUNE 1998**



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## 1. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of the Czech Republic the OSCE Office for Democratic Institutions and Human Rights established an Election Observation Mission in Prague on 13 May 1998 to assess the election process culminating in the Election to the Chamber of Deputies held on 19-20 June.

Ms. Tone Tingsgard, a member of the OSCE Parliamentary Assembly and of the Swedish Parliament, was appointed by the Chairman-in-Office as Special Co-ordinator of the Election Observation Mission.

Mr. Mark Power-Stevens (UK) was appointed by ODIHR as the Head of the ODIHR Election Observation Mission.

The Final Report is based upon the findings of the 7-person long-term observation mission and observations of 70 observers, who covered all 8 regions of the country. During the election day the observers represented 20 OSCE participating States, and included a 24-person delegation from the OSCE Parliamentary Assembly as well as personnel of the OSCE participating States Embassies in the Czech Republic.

## 2. SUMMARY OF CONCLUSIONS

- **The 1998 elections to the Chamber of Deputies of the Czech Republic were carried out in accordance with the law and were conducted in a transparent manner, enjoying the confidence of political parties and the public.**
- **The electronic and print media generally gave a full and balanced coverage of the election campaign and the competing political parties, with all parties enjoying a fair level of exposure.**
- **There needs to be clarification on some aspects of the election law, particularly with regard to the registration of parties for the election and the regulations pertaining to the election campaign.**
- **Election days were very well organised and voters participated in large numbers and in a calm and orderly manner. Polling Station officials carried out the process in an efficient manner and in general accordance with the electoral provisions.**
- **The OSCE Observation Mission concludes that the 1998 elections for the Chamber of Deputies were held in accordance with the Czech Republic's commitments as an OSCE participating State.**

## 3. LEGISLATIVE FRAMEWORK

The system for the election of the Parliament of the Czech Republic is a mixed system. Elections for the 81-member Senate are held by a majoritarian system, with the country divided into 81 electoral constituencies. Election for the 200-member Chamber of Deputies is by a proportional system, based on regional party lists. There is a 5% national threshold for qualification for mandates.

The threshold for a two-party coalition is 7%, a three-party coalition is 9%, and a four- or more-party coalition is 11%. No coalition contested the election.

Political parties register for the election in as many of the 8 electoral regions as they wish. The cost for standing in each region, the financial bond, is 200,000 Kc (Czech Crowns, approx. 30Kc = \$US1) (see below for discussion of financial bond). Voters are sent a set of ballot papers a minimum of three days prior to the election, but they are able to get a substitute set in the polling station if they forget or lose it.

Inside the polling station, voters, after proving identity and citizenship, are given an official envelope into which they place the ballot of their choice. In addition, voters are able to make up to 4 preference votes for candidates on the party list they have selected. Any candidate receiving 10% of the total votes for the party in the region automatically goes to the top of the party list for that region.

The 200 mandates are distributed among the 8 regions according to the turnout registered within limits set by the law.

Votes are initially aggregated on a regional level by the Regional Election Boards (REB), and then on the national level by the National Election Board (NEB). The NEB then calculates the 5% national legal threshold. Only parties passing this national threshold can be considered for mandates at the regional level.

Votes are then distributed by region according to the proportion of the vote a party secured in the region. The number of votes cast in a region for qualified parties is divided by the number of seats allocated to the region plus 1. This is the Regional Vote Quota (RVQ). Each qualifying party's vote is divided by the RVQ, and the party gets a seat for each time the party vote contains the full RVQ.

If any mandates remain undistributed after the First Scrutiny, the NEB carries out a Second Scrutiny using unused votes from the First Scrutiny. Unused votes are those remaining after the division of the party's vote total by the RVQ plus those votes of parties not receiving any mandates. The NEB adds up the national aggregate of unused votes and this is divided by the number of remaining mandates plus 1. This is the Country Vote Quota (CVQ). A party receives a mandate for each time the CVQ is contained in the sum of its remaining votes from the first scrutiny.

## **Issues**

### Threshold and Financial Bond

A number of complaints were made to the Observation Mission by some parties regarding the extent of the financial bond and the 5% national threshold, claiming both are too high

and limit the chances for smaller parties to compete in the election and gain representation in Parliament.

According to some smaller parties the 5% threshold is too high<sup>1</sup>, and, secondly, is applied on a national rather than a regional level. During discussions with a range of Czech politicians, it was pointed out that the 5% threshold on a national level is designed to produce a parliament made up of a limited number of nationally-based parties rather than a parliament consisting of a larger number of smaller parties.

The application of the threshold on the national level was partly designed for the same purpose as above. However, it is also quite normal practice to apply a threshold nationally, especially given that the number of mandates per region is dependent upon the proportion of the regional turnout to the national turnout.

The financial bond is 200,000Kc per region (c. \$US 6,600), and 1.6 million Kc (c. \$US 52,800) for all 8 regions. It is only returned if a party passes the 5% national threshold. However, parties passing the 3% mark are given 90 Kc (c. \$US 3) for each vote they receive<sup>2</sup>.

A number of parties felt very strongly about the bond, the Democratic Union and the Right Bloc both visited the Election Observation Mission and explained their concerns. They felt that it was unconstitutional because it resulted in unequal competition due to their inability to pay. They also felt that as they did not get it back if they failed to pass 5%, and received no support if they failed to pass 3%, they were penalised twice. However, whilst such regulations do of course represent a barrier of sorts to smaller parties and parties with modest financial support, it is common practice in many countries that some sort of filtering process exists to limit the number of parties wishing to participate in the elections.

Ultimately, such stipulations are the prerogative of a country's Parliament to set, but it is important that a broad consensus on the limit for a threshold and the extent of any financial bond is established.

#### Overseas Voting

Current legislation does not provide Czech citizens abroad at the time of the election the facility to vote. A number of parties raised this as a concern and the Secretary of the NEB was also of the opinion that a change to the law, enabling citizens abroad to vote in some manner, should be put before Parliament for consideration.

## **4. ELECTION ADMINISTRATION**

For the purpose of electing members to the Chamber of Deputies, there is a National Election Board, based in Prague; Regional Election Boards in each of the 8 electoral regions; District Election Boards in each of the 89 election districts; and, 14,770 Ward Election Boards, which run the polling stations.

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<sup>1</sup> Five per cent of the total valid votes cast for the June elections is 298,475 votes

<sup>2</sup> A party obtaining 3% in 1998 elections would thus receive \$537,255

The central, regional and district boards each have 2 representatives delegated from each political party competing for the election and a Secretary appointed by the Government, Ministry of Interior and District State Administration Office respectively. The ward level boards have one member delegated from each party and a Secretary appointed by the Municipal Council.

The chairman and deputy chairman of each board are selected by drawing lots from among the party representatives. The only stipulation is that the two positions in any one board cannot be from the same political party.

The meetings of the NEB are closed to the public. At the beginning of each meeting, however, any member of the NEB can propose to open a part or the whole meeting to the public or to the media. The Election Observation Mission was afforded utmost assistance and access to all meetings once the initial vote had been taken to allow such access.

## **Issues**

### Authority of National Election Board and Conformity of Procedures

Under current electoral legislation (Article 12.6.b) the NEB does not have the authority to issue binding instructions to the regional, district or ward election boards, except in the instance of complaints against procedures taken by regional and divisional election boards .

An example of the shortcomings of this, is that once the NEB had accredited international observers and allowed them to attend their meetings they could only urge regional and other commissions to allow such access. Whilst observers were welcomed by election boards at all levels this was extended as more of a courtesy than an obligation.

### Penalties for Violating the Election Law

The election law does not contain any specific sanctions for violations of it. This leaves the election commissions somewhat ineffective with regard to enforcing the law. The chairman of the Plzen Regional Election Board expressed frustration at the inability of the board to, for example, penalise persons/groups who broke the law relating to the display of election related materials.

### International and Domestic Observers

The election law does not provide for international or domestic observers. The NEB had to take a vote to allow for accreditation of the OSCE/ODIHR Election Observation Mission. In addition, special permission has to be given to allow for the presence of observers at the vote count. While full access to the vote count was permitted to the OSCE/ODIHR Election Observation Mission, this special permission was denied to a delegation from the US-based International Republican Institute, which was hosting a multi-party group from the Slovak Republic.

Further, though permission was given to the OSCE/ODIHR Election Observation Mission to attend meetings of the NEB, this access was not necessarily guaranteed at regional and district levels due to the inability of the NEB to issue binding instructions as discussed above.

## **5. VOTER REGISTRATION**

Voters are registered in permanent registers of voters, called a Permanent Electoral Roll. There are also Specific Electoral Rolls, kept by each municipality, which is the country's smallest geo-political unit. The municipality is responsible for distributing the relevant electoral roll extract to the appropriate polling station. A voter will only appear on one electoral roll.

Eligible voters are defined as those Czech citizens attaining the age of 18 no later than on the second day of the elections. According to Article 2 of the Election Law, A hindrance to a citizen's right to vote shall occur if: his/her personal liberty is restricted by law on the grounds of public health, or if he/she is incapacitated for the performance of legal acts .

It should be noted here too that voting can only take place on election days and only on the territory of the Czech Republic. No provision is made to cast votes outside of the territory of the Czech Republic, or in advance of the election or by proxy (see above).

A voter may register to vote outside of his/her ordinary locality. Such a voter will be given a Non-Local Voting Permit, which can be used in any other polling station except his/her own. The Specific Electoral Roll on which they normally appear will be marked to show that the person will not vote locally. Each municipality will keep a register of Persons Unable to Vote Locally. The voter will take the non-local permit with him/her and use it at the polling station of his/her choice. Upon voting he/she are entered into a separate list and the permit is taken off him/her and marked as having been used.

A total of 8,116,836 persons were eligible to vote in the 19 June election. 5,994,844 votes were cast (74.5% of eligible electorate), of which 5,969,505 (99.6% of cast votes) were valid.

No problems were reported to the Election Observation Mission with regards the registration of voters, and no problems were observed on election day with either the quality of the electoral rolls or the usage of the non-local voting permits.

## **6. PARTY AND CANDIDATE REGISTRATION**

Thirteen political parties contested the 1998 election, with a total of 3,726 candidates put forward on the regional party lists.

Twelve parties had a list in each of the eight regions. The Moravian Democratic Party (MODS) had just two lists, in North and South Moravia. Eighteen parties originally registered, but four of these did not pay the bond and the Civic Democratic Alliance (ODA) decided not to run for the elections.

After submitting their candidate lists to the respective Election boards, political parties had to be registered by the respective Regional Election Boards, no later than forty-five days prior to the election (Article 34).

Within three days following the notification of registration in a region, each party has to deposit a financial bond of 200,000 crowns (\$6,450). Parties have to make such a deposit in each electoral region they intend to have a list. Therefore, parties submitting a list in each of the eight regions must deposit a total amount of 1.6 million crowns (c. \$51,600) to be able to run for the elections in the whole country (Article 35.2).<sup>3</sup>

As discussed above (para. 3), this issue was of concern to some parties.

After the initial calculation of the election results, the First Scrutiny, when the vast majority of mandates are distributed, the National Election Board carries out a Second Scrutiny which requires parties within 12 hours to submit lists of candidates not yet allocated to parliament for the final distribution of the remaining mandates (Article 51).

## **Issues**

### Political Party Registration

Article 35.3 states that printing of ballots shall not be undertaken for parties that have not paid the financial bond.

A logical reading of this Article would lead one to conclude that if a party indicates its intention to contest the election, but fails to pay the financial bond, then it is in actuality not contesting the election. However, such a conclusion is not explicitly stated anywhere in the law. This resulted in an ambiguous understanding of the law among the parties, the electoral authorities and the public media intending to offer airtime for the campaign.

Public TV decided to ask three legal experts for their understanding of the law regarding the issue of whether a party initially registering but failing to pay the bond, is still in the election contest and entitled to its share of airtime. Two of the three legal experts responded that the parties are not entitled to free campaign airtime. Public radio decided to follow the precedent of 1996, when both TV and Radio gave airtime to such parties, and allocated the airtime among the 18 parties which originally registered, as opposed to the 13 which actually contested the election. This was abused by one non-standing party, which used its airtime to campaign for a standing party. Whilst the law does not explicitly proscribe this, such a practice certainly violates the spirit of the law, which intends to offer an equal share of the airtime to the parties contesting the election.

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<sup>3</sup> One creative mechanism for raising the money for the election bond was conceived of by the Democratic Union (DEU), which borrowed money from supporters. A person could lend between 1,000 and 10,000 crowns. If the party passed 3% of the vote, it would return the loan plus 10% interest from the state subsidy. If DEU did not pass the 3%, then the money is counted as a gift to the party. The DEU received 1.45% of the votes in the 1998 election.



In addition, the five parties not paying the bond were also allowed to have representatives on the election boards. Indeed, following the drawing of lots to establish the chairman of the NEB, a representative from the Right Bloc, which did not pay the bond and thus did not actually contest the election, was elected as the chair.

Such a reading of the law did not seem obvious or logical to many involved in the election. It was argued that it increased confidence in the process, but it is more appropriate for those contesting the election to carry out such functions, and this should also be sufficient to ensure confidence and transparency.

## **7. ELECTION CAMPAIGN**

The campaign officially started on 3 June and lasted 14 days. Campaigning is prohibited in the 48 hours prior to the opening of the polling stations and on election days. However, the campaign essentially began several weeks before the official date.

### **The Campaign**

The election campaign proceeded in an orderly manner. From 3 June, the campaign gained momentum in Prague, but was a low profile affair in the rest of the country. An obvious lack of public interest in the elections was often reported and all the major campaigning events seemed to take place mostly in the capital. Some analysts claimed that the apathy among the electorate was possibly due to the lack of creativity and dynamism in the parties campaign strategies and also to the recent proximity of the 1996 elections.

The campaign was characterised by analysts as somewhat negative in nature. Political analysts and voters criticised the lack of in-depth discussion of key issues by parties, such as unemployment, security or revival of the economy.

In February, the parliamentary parties, with the exception of the Republican Party, made a gentleman's agreement not to use advertising billboards for their campaigns or to exceed 30 million Kc in campaign expenditure. As a result more than 2,000 Republican Party billboards had a monopoly in the whole country.

Despite this pre-election agreement, several mainstream parties managed to circumvent the self-imposed restrictions. The Civic Democratic Party (ODS) benefited from a concert in honour of Vaclav Klaus, leader of the ODS, by the popular Czech singer Lucie Bila. This concert was widely publicised around the country, utilising campaign billboards. ODS representatives denied responsibility for the Bila billboards and claimed that the concert was a personal initiative by Ms. Bila, and thus was not part of the party's campaign.

Unattributed billboards appeared in Prague. They featured a drawing of the Czech Socialist Democratic Party (CSSD) leader, Milos Zeman, with cherries on his shorts, the symbol of the Communist Party of Bohemia and Moravia (KSCM). The slogan ostensibly encouraged voters to vote for the CSSD, but of course implied that a vote for the CSSD represented a vote for the KSCM. The author had been officially working on the ODS campaign, but claimed that he never gave authorisation to anybody to use his drawing for this purpose. Both ODS and the KSCM denied responsibility.

Other posters which appeared in quite large numbers around the country, highlighted the Communist Party – Social Democrat coalitions in 1948 and 1968, and inferred that a parallel could be made with any CSSD, KSCM and Pensioners for Life Security (DZJ) post-election coalition in 1998. The poster called on voters not to vote for left-wing parties, with the warning apparently attributed to the Group of Political Prisoners. These posters were highly emotive and highlight the negative nature of the campaign in general.

The law is ambiguous regarding the timeframe and restrictions for the official campaign. Two differing interpretations can be made of Article 16 of the Election Law. The law possibly prohibits any election campaigning more than 16 days prior to the elections but contains no penalties against parties which begin campaigning before this date. Or, the law's prohibition is only relevant to the display of posters in allocated spaces and the carrying of broadcasts during the allotted airtime on Czech TV and radio.

During the 1998 election, parties widely campaigned at least one month prior to the elections and were never sanctioned for doing so. However, as stated above, the law does not articulate what should happen to any party which breaks the law. Party representatives and analysts acknowledged that the relevant Court should give a ruling on this particular aspect of the election law, clarifying what is permissible and when it is permissible.

### **Financing of the Election Campaign**

The National Election Board does not provide financial support to the parties for their election campaigns.

However, any party which obtains a minimum of 3% of the national vote qualifies for state funds, to be used for their political work between the elections. Thus, some state support is available to a number of non-parliamentary parties. According to Article 85, a party or coalition receives a payment of 90 Kc per vote from the national budget.

As stated above an agreement was made between all parliamentary parties, with the exception of the Republican Party, to limit their election campaign spending to 30 million Kc. Major parties organised very large-scale events, but still claimed that they would respect the agreed financial ceiling. However, the agreement was relevant only for the 14 days of the official campaign, thus it did not include the costs involved before 3 June.

### **Issues**

#### Gentlemen s Agreement

As stated above, the parliamentary parties contesting the election, with the exception of the Republican Party, entered into a gentlemen s agreement to limit the use of campaign billboards and campaign expenditure. However, it was widely felt that a number of parties, to varying degrees, violated at least the spirit of the agreement, and some the actual terms of the agreement.

The agreement was not legally binding and thus any violation is a political issue rather than a legal issue. But the spectacle of parliamentary parties making a gentlemen s agreement

in the parliament and then violating it does not serve to create a positive image of the institution or its members in the eyes of the public.

## 8. THE MEDIA

### Overview of the Czech Media

Currently, there are four nation-wide terrestrial television channels. Czech Television, the public broadcaster, broadcasts on two channels, CT1 and CT2. Their operations are overseen by the Council for Czech Television, a non-partisan political body whose nine members are appointed by the Parliament. Czech Television is financed from a license fee and advertising revenues.

TV Nova is the main private TV station. It started broadcasting in 1994 and is almost wholly owned by Central European Media Enterprises (CME), an American company registered in Bermuda. CME also runs TV stations in a number of other Central and East European countries. Originally, the license for TV Nova was given to six Czech and Slovak citizens in 1993 under a number of strict conditions. Although Nova failed to meet most of those conditions, especially regarding its broadcasting contents, the Czech parliament lifted the conditions rather than insisting that the situation be rectified. Although CME owned 99% of the shares in Nova, it is not the license holder. The second private TV broadcaster, TV Prima, is indirectly owned by Japanese Nomura. Recently, Prima established close ties with Nova, which reportedly wants to acquire a second television channel.

Other electronic media in the Czech Republic include public and private radio on national, regional, and local levels.

All electronic media are licensed and overseen by the Council of the Czech Republic for Radio and Television Broadcasting, which is accountable to the Parliament.

Print media include national, Prague-based dailies, regional and local dailies, weeklies, and other periodicals. The major dailies are *Mladá fronta Dnes* (right-of-center; formerly the newspaper of the Socialist Youth Union), *Právo* (left-of-center, formerly the Czechoslovak Communist Party daily), *Lidové noviny* (right-of-center; former dissident publication), *Zemské noviny* (aimed at readers in the countryside), *Slovo* (centrist, with a slight orientation to the left), and the tabloid *Blesk*. The print-run of those papers ranges between approximately 50,000 and 200,000. Some of them are in serious financial trouble since it is estimated that a national paper has to sell around 100,000 copies to be financially viable. Many Czech newspapers are owned by foreign companies, especially from Germany and Switzerland. Recently, the daily *Metro* started to be published in Prague. It is distributed for free and financed solely through advertisement. *Metro* is expected to cause further financial woes to many other dailies.

### Legal Framework

With regards election campaigning and campaign coverage in the media, the media are bound by stipulations in a number of laws. Art. 17,1 of the law on print and other mass

media (passed in 1966 and last amended in 1990) stipulates that there is no censorship. This effectively prohibits the state from interfering in the media's election campaign coverage.

Under the current election law, public television and public radio each have to provide a total of 14 hours to parties running in elections. This time is supplied free of charge and must be distributed equally among all contestants [Art. 16, 3]. The time slots for individual parties are drawn by lot. Responsibility for the spots lies with the parties.

With regards private electronic media, the 1991 Law on Operating of Radio and Television Broadcasting obliges the media to provide objective and balanced information. Article 6,01d of that law expressly prohibits religious [or] atheist advertisement and advertisement by political parties and movements, unless a law specifies otherwise. Since the Election law has no provision for campaign advertisement on non-public TV and radio, private electronic media are prohibited from running such ads. If they violate this provision, they can be fined between 10,000 and 2 million Czech crowns. Private TV and radio stations are not barred, however, from having journalistic broadcasts covering election-related issues (debates, interviews, special features, etc.) and cover the campaign in their news programming.

Overall, the existing legislation gives the media a wide range of possibilities to cover the election campaign, the only restriction being the ban of party advertising on private electronic media. Analysts and media experts pointed out that this is not a problem since all parties receive equal time on public media and paid advertising would give bigger parties with more financial means an unfair advantage. In addition, parties are free to advertise in newspapers.

There were allegations that the recently-appointed head of Czech Television's News and Current Affairs Department had to resign after only 51 days in office because his Western approach disturbed both his colleagues and the political elite. This sparked critical comments from many experts, but direct pressure from political quarters could not be proven. Still, this incident raised concerns over CT's journalistic independence. Besides, radical and small parties alike complain that they are ignored by the media outside campaign periods, and some analysts say those complaints are not unfounded. But despite all problems, the media generally operate freely and independently, and on the whole, they provide balanced and accurate information. This was also true for the recent election campaign.

### OSCE/ODIHR Media Monitoring

In order to assess the media's performance during the election campaign, the OSCE/ODIHR Election Observation Mission conducted its own media monitoring. Three monitors followed news and election-related broadcasts on CT1, CT2, TV Nova and TV Prima. They also monitored *Mladá fronta Dnes*, *Lidové noviny*, *Právo*, *Slovo*, *Zemské noviny*, and *Blesk*. Monitoring was conducted between 31 May and 18 June. The monitoring project was complemented by meetings with political and media analysts, journalists, officials of the Journalists Union, and other experts.

Two tables (Appendix) show the coverage awarded to the 13 parties running in the elections. The first table shows the total coverage each party received on each of the media

monitored. The second table breaks down the coverage for each party into positive, neutral, and negative coverage. Again, this is done separately for each of the media. Coverage includes both campaign-related activities and appearances by politicians in their civic capacity as government ministers etc. The figures do not include advertisements on public media or in newspapers.

**Czech Television's** coverage was characterized by a very equitable approach towards all parties. The range of coverage was between 5.0% and 11.7% on CT1, and between 5.2% and 9.2% on CT2. This is largely due to the fact that both channels ran special broadcasts in which they aimed at giving all parties an equal opportunity to present their views. The Christian Democrats and the Freedom Union received relatively high amounts of coverage because several of their leading members were in the Tosovsky government. The tendency of coverage on Czech TV was largely neutral. The only parties to receive a significant amount of negative coverage were the ODS and the Republicans (both on CT1), the former because of their election campaign (especially in connection with the Lucie Bila concert in Prague) and the latter because of their position vis-à-vis the Roma minority. Overall, CT provided very balanced coverage both in quantitative and qualitative terms and gave small parties in particular a fair chance to present themselves to the electorate.

**TV Nova** focused on the major parties, especially the Czech Social Democratic Party (CSSD), the Civic Democratic Party (ODS), the Christian and Democratic Union (KDU CSL), and the Freedom Union (US). The only other parties that received some coverage were the Republicans and the Pensioners. Nova's coverage was largely neutral, with the exception of the DZJ which were almost always mentioned in a negative context. **TV Prima** focused mainly on the Social Democrats and the ODS, followed by the Freedom Union. Christian Democrats, Republicans, Communists, Pensioners, and the DEU received little coverage, and other parties were ignored altogether. The high coverage of the two main parties is mainly owed to interviews with party leaders Zeman and Klaus. Prima's coverage was neutral for all parties except for the CSSD which received a very small portion of negative coverage.

The **print media** also tended to focus on the major political parties. Still, three of them (*Lidové noviny*, *Zemské noviny*, and *Blesk*) had at least some coverage of all 13 parties running in the elections, while the other three did not cover two three of the small parties. Generally, the focus of the newspapers was on the four major mainstream parties (CSSD, ODS, KDU CSL, US). *Lidové noviny* also gave the Republicans over 10% of coverage (see Appendix for details).

With regards their qualitative coverage, there were some natural significant differences between the individual newspapers owing to their political orientation.

Overall, the media succeeded in providing comprehensive campaign coverage. Czech Television in particular lived up to its role by providing all 13 parties with equitable access and by its largely balanced coverage. The private media naturally focused more on the major parties. Although political preferences of the individual media were apparent in the way they covered the campaign, there were virtually no cases of unfounded negative reporting. Usually, parties received negative coverage because of their campaign platforms and political records. Slander and defamation were conspicuously absent from Czech media during this campaign. In this respect, the coverage of the private media can also be

regarded as satisfactory. Finally, overt political pressure on media was no issue in this campaign.

## **9. OBSERVATION OF VOTING**

### Background

70 international observers were deployed, forming 32 two-person teams. Observers operated in all 8 of the country's electoral regions, reporting on some 600 of the 14,776 polling stations (4%).

### Overall Findings

The overall impression of observers after the two days of observation was of a well-run election with no serious problems. Observers felt that the process was transparent and carried out in accordance with the election law. Further, the voting process enjoyed the confidence of political parties, including those who expressed reservations about some other aspects of the electoral process, such as the threshold and financial bond.

The statistical analysis of the observation checklists highlights the very positive nature of the observation of the voting process.

The statistical analysis shows that more than 90% of observers found that voters' understanding of the voting process and performance of the Polling Station Officials were good or very good. Similarly, observers' overall assessment of the voting process is good or very good in 93.10% of all cases.

### **Issues**

#### Ballot Paper Envelopes

There was some concern by observers at the manner in which some regions, including areas of Prague, dealt with the distribution of ballot papers to voters using official envelopes, bearing the official stamp crossed out. This did not cause any procedural problems as such and the consequences were negligible, but it did have the potentiality for causing confusion and is surely unnecessary. Most regions used envelopes of a different colour to the official ones, which served to more adequately differentiate between them.

#### Complaints

The observation mission attended a number of sessions of the NEB at which complaints regarding the voting process were dealt with. All the complaints were of a very minor nature and were mostly dismissed by the NEB. None had any bearing on any of the results of the election.

## **10. OBSERVATION OF COUNTING**

## Background

The count was observed in 30 polling stations, and included at least two in each region.

## Overall Findings

Observers reported that the counting process was carried out in full accordance with the election law. No irregularities were observed.

According to observers' checklists, in 93.30% of cases the general assessment of the counting process was good or very good.

The figure for invalid ballots is negligible at 0.4%. This low figure is largely due to the nature of voting, with ballots placed in the envelope.

## **11. RESULTS**

The National Election Board made information relating to the voter turnout and in-coming results available very promptly, and utilised their web-site to good effect. Full results were also quickly available in printed form also.

According to Article 53 of the election law, No later than one month following the declaration of the election results, the National Election Board shall issue to elected candidates the Confirmation, authenticating their election to the Chamber of Deputies.

The political parties passing the 5% threshold and securing mandates in the parliament were:

Czech Social Democratic Party (CSSD)	74
Civic Democratic Party (ODS)	63
Communist Party of Bohemia and Moravia (KSCM)	24
Christian and Democratic Union - Czechoslovak People's Party (KDU)	20
Freedom Union (US)	19

## **Issues**

### Refusal of NEB Vice-Chairman to sign Election Report

The Vice-Chairman of the NEB, Petr Safránek of the Democratic Union, refused to sign the final Election Report of the NEB. He outlined his concerns to the Election Observation Mission.

His major concerns included: (a) non-parliamentary parties were discriminated against, in both a quantitative and qualitative sense, in the media in the two-year period between elections; (b) Czech citizens outside the country at the time of the election were not allowed to vote; (c) the unfair nature of the legal threshold being applied nationally rather than regionally.

The Election Observation Mission has raised its concern regarding the inability of Czech citizens outside the country not being able to exercise the legal right.

With regards the media coverage of parties between elections, this is outside the scope of the election law. The media is not obliged to cover parties other than according to the regulations in the law relating to the campaign. In between elections it is obvious that news programming will concentrate on news-worthy items, which is more likely to be focussed on party activity in the country's Parliament.

The application of the threshold nationally is not unusual at all, and is quite consistent with the electoral system in operation. It is recognised that such a system does make it harder for smaller parties without a national base to reach the threshold. But as stated above, the setting of any threshold is the prerogative of the country's Parliament, but should be reached according to a broad consensus.

The Election Observation Mission does not feel that the concerns expressed by the Vice-Chairman of the NEB warranted not signing the final election report, particularly as the conditions highlighted had existed prior to the commencement of the campaign.

## **12. RECOMMENDATIONS**

- The provision regulating party registration needs to be clarified. It should be made clear which parties are in fact registered to contest the election. Only these parties should be given the responsibilities and benefits of a registered party, such as free campaign airtime and positions on election boards.
- A facility enabling Czech citizens outside of the country on the day of the election to vote should be considered.
- The body responsible for organising the election, at present the National Election Board, needs to be given authority to issue binding instructions regarding the implementation of the law. This will ensure full conformity of decision making at all levels of election administration.
- The law should include a clear legal mechanism for dealing with violations of the law, with an appropriate authority identified for dealing with such violations. In addition, the law should articulate the penalties for violations.
- The law should provide for international observers, in accordance with the Czech Republic's commitments as an OSCE participating State. Legal provisions for domestic observers would also enhance the transparency of the election process. All observers should be given full access to all aspects of the election process.



- Laws relating to the election, including provisions regulating media coverage of the election, should be consolidated into a more comprehensive body of text, avoiding the need to refer to such a variety of legal texts.



## Appendix: Media Monitoring Findings

**Table 1**

<b>PARTY</b>	<b>CT1</b>	<b>CT2</b>	<b>Nová</b>	<b>Prima</b>	<b>MFD</b>	<b>LN</b>	<b>Právo</b>	<b>Slovo</b>	<b>ZN</b>	<b>Blesk</b>
<b>CSSD</b>	9.1	8.5	30.3	41.6	33.6	25.1	28.6	23.6	28.8	19.6
<b>ODS</b>	6.5	8.5	24.7	36.8	30.1	23.5	21.1	18.4	14.5	19.6
<b>KDU CSL</b>	11.0	6.3	20.5	3.9	10.3	8.8	11.6	17.2	16.5	8.4
<b>US</b>	11.7	8.7	21.2	11.1	13.7	17.5	20.2	21.3	22.6	21.7
<b>KSCM</b>	8.1	8.0	0.0	1.9	3.3	4.2	4.2	2.9	2.2	4.5
<b>SPR RSC</b>	11.3	8.0	1.1	0.1	5.1	11.9	3.4	3.7	3.8	5.6
<b>DZJ</b>	5.0	8.1	2.2	2.7	2.0	4.5	9.1	3.2	4.0	6.6
<b>DEU</b>	5.9	7.6	0.0	1.8	1.1	1.2	1.1	1.9	3.9	4.0
<b>CSNS</b>	6.1	9.2	0.0	0.1	0.0	0.5	0.0	6.0	0.2	1.4
<b>NEZ</b>	6.1	7.3	0.0	0.0	0.0	0.4	0.0	0.0	0.1	2.5
<b>OK</b>	7.3	7.3	0.0	0.0	0.7	1.1	0.8	1.7	2.8	3.8
<b>Greens</b>	6.0	5.2	0.0	0.0	0.1	0.4	0.0	0.0	0.1	1.5
<b>MODS</b>	6.0	7.2	0.0	0.0	0.1	0.8	0.0	0.2	0.5	0.9

*Total coverage per party during monitoring period (coverage for all parties per media = 100%)*

*Abbreviations of monitored media:*

CT1: Česká Televize 1; CT2: Česká Televize 2; Nová: TV Nová; Prima: TV Prima; MFD: Mladá fronta Dnes; LN: Lidové noviny; ZN: Zemské noviny

Table 2

PARTY	CT1			CT2			Nová			Prima			MFD		
	+	o		+	o		+	o		+	o		+	o	
<b>CSSD</b>	0.0	95.6	4.4	0.0	100.0	0.0	0.0	89.5	10.5	0.0	99.6	0.4	2.3	50.6	47.1
<b>ODS</b>	0.0	86.3	13.7	0.0	97.5	2.5	0.0	94.0	6.0	0.0	100.0	0.0	15.0	56.1	28.9
<b>KDU CSL</b>	0.0	100.0	0.0	0.0	96.7	3.3	0.0	100.0	0.0	0.0	100.0	0.0	2.6	57.1	40.2
<b>US</b>	0.0	100.0	0.0	0.0	94.1	5.9	0.0	89.7	10.3	0.0	100.0	0.0	9.2	72.1	18.6
<b>KPCM</b>	0.0	100.0	0.0	0.0	98.2	1.8				0.0	100.0	0.0	0.0	63.3	36.7
<b>SPR RSC</b>	0.0	85.3	14.7	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0	0.0	93.0	7.0
<b>DZJ</b>	0.0	100.0	0.0	0.0	100.0	0.0	0.0	4.1	95.9	0.0	100.0	0.0	6.2	37.4	56.4
<b>DEU</b>	0.0	100.0	0.0	0.0	100.0	0.0				0.0	100.0	0.0	0.0	95.4	4.6
<b>CSNS</b>	0.0	100.0	0.0	0.0	100.0	0.0				0.0	100.0	0.0			
<b>NEZ</b>	0.0	100.0	0.0	0.0	100.0	0.0									
<b>OK</b>	0.0	100.0	0.0	0.0	100.0	0.0							0.0	100.0	0.0
<b>Greens</b>	0.0	100.0	0.0	0.0	100.0	0.0							0.0	100.0	0.0
<b>MODS</b>	0.0	100.0	0.0	0.0	100.0	0.0							0.0	100.0	0.0

PARTY	LN			Právo			Slovo			ZN			Blesk		
	+	o		+	o		+	o		+	o		+	o	
<b>CSSD</b>	6.6	43.2	50.2	19.4	78.6	2.0	0.0	91.9	8.1	1.7	98.3	0.0	0.0	92.6	7.4
<b>ODS</b>	17.9	33.3	48.8	0.0	75.2	24.8	0.0	67.4	32.6	10.3	88.4	1.3	0.0	88.9	11.1
<b>KDU CSL</b>	10.4	82.8	6.8	0.0	91.2	8.3	0.0	94.4	5.6	2.2	91.7	6.1	0.0	92.1	7.9
<b>US</b>	14.2	42.6	43.2	0.0	84.8	15.2	3.3	77.1	19.6	0.0	77.3	22.7	0.0	82.3	17.7
<b>KPCM</b>	0.0	7.7	92.3	0.0	100.0	0.0	0.0	88.7	11.3	0.0	23.6	76.4	0.0	100.0	0.0
<b>SPR RSC</b>	0.0	5.6	94.4	0.0	15.4	84.6	0.0	71.1	28.9	0.0	36.5	63.5	0.0	64.3	35.7
<b>DZJ</b>	7.6	6.8	85.6	0.0	100.0	0.0	0.0	77.2	22.8	0.0	4.6	95.4	0.0	100.0	0.0
<b>DEU</b>	0.0	79.8	20.2	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0
<b>CSNS</b>	0.0	100.0	0.0				0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0
<b>NEZ</b>	0.0	100.0	0.0							0.0	100.0	0.0	0.0	100.0	0.0
<b>OK</b>	0.0	81.6	18.4	0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0	0.0	93.1	6.9
<b>Greens</b>	0.0	100.0	0.0							0.0	100.0	0.0	0.0	100.0	0.0
<b>MODS</b>	0.0	38.3	61.7				0.0	100.0	0.0	0.0	100.0	0.0	0.0	100.0	0.0

Coverage for parties by tendency (total per party per media = 100%)

Abbreviations of monitored media:

CT1: Česká Televize 1; CT2: Česká Televize 2; Nová: TV Nová; Prima: TV Prima; MFD: Mladá fronta Dnes; LN: Lidové noviny; ZN: Zemské noviny