



Office for Democratic Institutions and Human Rights

**SLOVAK REPUBLIC**  
**PARLIAMENTARY ELECTIONS**  
**12 June 2010**

**OSCE/ODIHR Election Assessment Mission Report**



Warsaw  
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**SLOVAK REPUBLIC  
PARLIAMENTARY ELECTIONS  
12 June 2010**

**OSCE/ODIHR Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

In accordance with OSCE commitments, the Ministry of Foreign Affairs of the Slovak Republic invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 12 June parliamentary elections. Based on the recommendation of a Needs Assessment Mission, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for these elections.

The parliamentary elections were conducted in a pluralistic environment characterized by general respect for fundamental rights and freedoms, equitable campaign conditions and a high degree of public trust in the impartiality of the election administration.

The election legislation generally provides for the conduct of democratic elections in line with OSCE commitments and other international standards. The election law was amended several times since its adoption in 2004. It incorporates several previous OSCE/ODIHR recommendations, such as for instance provisions allowing for election observers, while a number of others remain unaddressed. Different norms and electoral practices apply to different elections and may cause confusion. The need to review and harmonize laws, norms and practices appears urgent since four elections will coincide in 2014.

The election administration enjoyed a high degree of public trust, enhanced by the inclusion of party-nominated members on election commissions at all levels. During the election period, the Central Election Commission (CEC) met regularly and worked in a transparent manner. It operated in an open and collegial manner. OSCE/ODIHR EAM members could attend CEC sessions although the law does not provide for it. All session minutes were immediately made public on the website of the Ministry of Interior. However, the CEC lacked detailed rules of procedures to guide its work.

The registration of election contestants was inclusive. Eighteen political parties representing a broad variety of views competed nationwide for seats in parliament and offered voters a genuine choice. Six parties passed the five per cent threshold needed to enter the parliament.

The election campaign was very competitive, but was marked by inflammatory and offensive language using ethnic stereotypes, which is contrary to OSCE commitments. Certain aspects of the campaign such as the potential misuse of public resources for campaign purposes and campaign-related disputes are left unregulated. Furthermore, the provisions for campaign financing are insufficiently detailed and lack enforcement mechanisms.

The media environment in Slovakia is free and pluralistic, but is currently charged by defamation court cases and a controversy surrounding an automatic right of reply irrespective of the truthfulness of the facts included in the incriminated article. All contesting political

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<sup>1</sup> This report is also available in Slovak. However, the English version remains the only official document.

parties appeared to enjoy an equitable access to the media during the campaign. The media extensively covered the election campaign and provided the electorate with diverse information about contestants, which enables voters to make an informed choice. The public broadcaster fulfilled its legal obligation regarding provision of airtime to contesting parties. Some of OSCE/ODIHR EAM interlocutors however questioned its impartiality resulting in some complaints during the campaign.

National minorities took an active part in the elections, fielding a number of candidates. A party bridging the interests of ethnic Hungarians and Slovaks and promoting inter-ethnic cooperation entered parliament and formed part of the governing coalition. Neither ethnically based Hungarian nor Roma parties passed the threshold. There are no Roma deputies in the new parliament. Frequent allegations of vote buying among the Roma population suggested that they remain vulnerable to potential electoral manipulation. Women accounted for 22.8 per cent of all candidates and 16 per cent of elected deputies (24 out of 150 deputies).

Only a few complaints and appeals were lodged during the campaign. The CEC dismissed most pre-election complaints on the grounds of not being the competent body to adjudicate them or, when criminal offences were alleged, referred them to the prosecutor general for further investigation. On election day, the CEC received a number of complaints alleging violations during the conduct of the vote. Due to a lack of legal procedures for considering complaints, the CEC did not have a uniform approach for adjudicating the complaints. During its presence in the country, the OSCE/ODIHR EAM was not aware of any complaints resulting in court cases.

According to standard practice for assessment missions, the OSCE/ODIHR EAM did not undertake a comprehensive and systematic observation of election day proceedings. However, mission members visited a number of polling stations on election day in Bratislava, Košice, Trenčín and Trnava. Voting appeared to take place in a calm and orderly manner. Some instances of family voting, notably in polling stations in Roma settlements, were noted. Some voters were observed taking out unused ballots from the polling station, which is permitted by law but might potentially undermine the secrecy of vote and allow for control over the voter's choice. Voter turnout was recorded at 58.83 per cent.

A number of recommendations in this report set out ways in which the electoral process may be improved. The OSCE/ODIHR stands ready to work with the Slovak authorities to address these recommendations.

## **II. INTRODUCTION AND ACKNOWLEDGEMENTS**

On 26 February 2010, in accordance with OSCE commitments, the Ministry of Foreign Affairs of the Slovak Republic invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 12 June parliamentary elections. Based on the recommendation of a Needs Assessment Mission,<sup>2</sup> the OSCE/ODIHR deployed an Election Assessment Mission (EAM) from 31 May to 15 June.

The OSCE/ODIHR EAM was led by Ambassador Jolanda Brunetti and consisted of ten election experts from nine OSCE participating States. In addition to experts based in Bratislava, the OSCE/ODIHR EAM deployed teams to Košice and Banská Bystrica and

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<sup>2</sup> See OSCE/ODIHR NAM report at [http://www.osce.org/documents/odihr-el/2010/05/43821\\_en.pdf](http://www.osce.org/documents/odihr-el/2010/05/43821_en.pdf).

visited other municipalities across the country.<sup>3</sup>

The OSCE/ODIHR EAM held meetings with state representatives, election officials, political parties, and representatives of media, civil society and international community. The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the Ministry of Interior, the statistics office, election commissions at all levels, municipal authorities and other interlocutors for their assistance and co-operation during the course of the mission.

### **III. BACKGROUND AND POLITICAL CONTEXT**

The National Council is a unicameral parliament consisting of 150 members who are elected for a four-year term. The head of state is the president, elected for five years. The president appoints a prime minister responsible for forming a government. Most executive power lies with the prime minister, who is usually the leader of the winning political party or coalition.

Previous parliamentary elections were held on 17 June 2006 and led to the formation of a coalition government led by the prime minister, Robert Fico. The coalition consisted of three political parties: the Direction-Social Democracy (SMER) with 50 seats, the Slovak National Party (SNS) with 20 seats and the People's Party – Movement for Democratic Slovakia (HZDS) with 15 seats. The opposition included the Slovak Democratic Christian Union – Democratic Party (SDKU) with 31 seats, the Party of the Hungarian Coalition (SMK) with 20 seats and the Christian Democratic Movement (KDH) with 14 seats. Two new parties, the Freedom and Solidarity Party (SaS) and the Most-Híd party, emerged as significant players during the 2010 elections. The Most-Híd leadership split from SMK and formed a party bridging the interests of the ethnic Hungarians and Slovaks promoting inter-ethnic co-operation.

The OSCE/ODIHR observed the 1998 and 2002 parliamentary elections in Slovakia.<sup>4</sup> It concluded that the 2002 parliamentary elections were held “in compliance with the Slovak legislation and with OSCE commitments and standards for democratic elections”.

### **IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

#### **A. OVERVIEW**

The legal framework governing parliamentary elections primarily consists of the 1992 Constitution (amended in 1999) and the 2004 Law on Election to the National Council of the Slovak Republic (hereinafter, election law).<sup>5</sup> The election legislation generally provides for the conduct of democratic elections in line with OSCE commitments and other international standards.

The election law as amended incorporates a number of previous OSCE/ODIHR

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<sup>3</sup> Regions and municipalities visited included Komárno, Prešov, Trenčín, Trnava and Žilina.

<sup>4</sup> All previous OSCE/ODIHR reports are available at: <http://www.osce.org/odihr-elections/14634.html>.

<sup>5</sup> The 2004 election law was amended in 2005, 2007, 2008, 2009 and 2010. The legal framework includes also the 2005 Law on Political Parties and Movements, the 1993 Law on the Organization of the Constitutional Court, the 2002 Law on Broadcasting and Retransmission, the 2009 Law on the Press, the 1994 Law on Limitation of Expenditures of the Political Parties and Advertising before Parliamentary Elections and the 2005 Criminal Code.

recommendations. They include provisions for domestic and international observers, for out-of-country voting, for limiting restrictions on suffrage to prisoners sentenced for serious crimes and for lowering the threshold for the return of election deposits from three to two per cent of valid votes. However, some others remain unaddressed. For instance, the longstanding OSCE/ODIHR recommendation to allow individual candidates to stand in parliamentary elections has not been addressed.<sup>6</sup> Currently, individual candidates can only stand in a political party or coalition list.

*It is recommended that a provision allowing independent candidates to stand in parliamentary elections be introduced in line with OSCE commitments.*

The OSCE/ODIHR previously recommended reviewing all election and referenda laws with the aim of harmonizing the different legal norms and electoral practices that apply for different elections. Inconsistencies include, but are not limited to, requirements for voter identification, rules for campaign silence and publication of opinion polls. The different and often conflicting norms may cause confusion for voters, electoral subjects, election commissioners and officials. It is made particularly urgent since four elections will coincide in 2014.

*Consideration could be given to revising all electoral laws in order to eliminate inconsistencies and harmonize electoral practices governing different types of elections and referenda before 2014.*

Furthermore, important aspects of the campaign are not regulated by law. Notably, it fails to outline a comprehensive mechanism for resolving campaign-related disputes. The potential misuse of public resources for campaign purposes by public officials is not addressed in the law. This may negatively affect the principle of equal opportunities for election contestants.

*Consideration could be given to introducing provisions prohibiting the misuse of public resources by public officials for campaign purposes. A complaint mechanism to deal with potential campaign violations should be devised to ensure prompt and effective remedial actions in case of violations of campaign regulations.*

Numerous allegations of vote buying was made during this and previous elections in Slovakia. However, this issue is not specifically addressed in the legal framework.<sup>7</sup> Good practice in this field suggests that the state should effectively prevent or punish any attempt to infringe upon the right of voters to freely form and express their opinion.<sup>8</sup>

*Consideration should be given to introducing an explicit reference to vote buying as an electoral violation in the legal framework in order to provide a legal basis to prosecute and punish those who seek to unduly influence voters' choice through buying their votes or applying pressure on voters.*

Addressing a previous OSCE/ODIHR recommendation, the election law entitles “anyone who has expressed interest in observing the conduct of the elections and counting of votes and

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<sup>6</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document obliges participating States to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

<sup>7</sup> Article 351.1 of the Criminal Code criminalizes “coercion” and “deception to prevent the exercise of the constitutional right to vote in an election or referendum” but does not explicitly refer to vote buying.

<sup>8</sup> See the Council of Europe Venice Commission’s Code of Good Practice in Electoral Matters, point 3.1(b).

observers of international organizations” to be present in polling stations. A similar provision grants observers the right to be present during results tabulation in the District Election Commissions (DEC) at the discretion of the chairperson. However, these provisions only partially meet a previous OSCE/ODIHR recommendation regarding the right of observers. They do not explicitly entitle observers to be present at all stages of the election process, including CEC sessions, opening of polling stations or homebound voting. Nor do they entitle observers to obtain a certified copy of the results protocol, which may bolster confidence and accountability in the process.

*Consideration could be given to extending provisions for observers to include the right to be present at all stages of the election process, including CEC sessions, and to have access to election-related documents. The right of observers and party representatives to obtain a copy of results protocols of all levels of election commissions would further enhance the accountability and transparency of the process.*

## **B. SUFFRAGE RIGHTS**

The right to vote is granted to citizens who are 18 years or older. Citizens may stand for office if they are 21 years or older and are permanently resident in the country. Individuals who have been deprived of legal capacity by a court decision or are serving a prison sentence for committing particularly serious crimes are deprived of active and passive suffrage rights. This change followed a 2010 ruling by the Constitutional Court<sup>9</sup> which referred to the European Court of Human Rights’ ruling *Hirst vs. UK* and concluded that in order to restrict active and passive voting rights there must be legitimate and proportionate concerns for public interests. The Court concluded that restrictions of the suffrage right should be limited to those serving a prison sentence for serious crimes.

## **C. ELECTORAL SYSTEM**

The parliament is elected under a proportional system in a single nationwide constituency. Voters choose a party or coalition’s list of candidates. They may additionally express preferential vote for not more than four candidates on the chosen list.

Parties receiving more than five per cent of valid votes participate in the distribution of seats.<sup>10</sup> The allocation of seats to parties or coalitions that pass the threshold is made using the Droop formula.<sup>11</sup> Seats are allocated to candidates following their list ranking decided by the party or coalition before the list registration. However, candidates that receive more than three per cent of preferential votes get preference in the allocation of seats.

## **V. ELECTION ADMINISTRATION**

The election administration has several levels: the Central Election Commission (CEC), DEC’s at the intermediate level and Precinct Election Commissions (PECs) at the polling station

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<sup>9</sup> The Constitutional Court ruling was based on the general prosecutor’s appeal. See Ruling of the Constitutional Court, PL. ÚS 6/08-49.

<sup>10</sup> The threshold for participation in the allocation of seats for coalitions of two parties is seven per cent and nine per cent for bigger coalitions. No coalitions took part in these elections.

<sup>11</sup> The Droop formula divides the sum of valid votes cast for party and coalition lists participating in the allocation of seats by the number of seats plus one (i.e. 151) for identifying a quota. The party or coalition with the largest remainder(s) receives unallocated seats.

level. The municipal level is responsible for most aspects of election administration, with the municipal administration carrying out most organizational tasks. The administration is supported by the Ministry of Interior (hereinafter, ministry) and the statistics office. The election administration enjoyed broad confidence among the political parties. The OSCE/ODIHR EAM interlocutors expressed high degree of public trust in its impartiality and professionalism.

#### A. ELECTION COMMISSIONS

The election administration consisted of the CEC, 50 DEC's and a total of 5,929 PEC's. All election management bodies are formed on an *ad hoc* basis for each election. Parties and coalitions participating in the election (electoral subjects) nominate members to election commissions, thus enhancing transparency, confidence and accountability. All 18 running parties nominated members to the CEC.

Chairpersons and deputy chairpersons of election commissions are selected by drawing lots at the first session. The first session of the CEC is called by the prime minister, while first sessions of the DEC's and PEC's are called by the heads of district offices and the mayor of the municipality respectively. These officials may delegate staff to DEC's and PEC's if the number of commissioners appointed by electoral subjects is less than required (for PEC's the minimum is five members). They also appoint an employee of their respective office to assist the DEC's and PEC's as electoral officer.

The CEC has a limited mandate. It decides on the registration of electoral subjects and supervises lower-level election commissions. It establishes and publishes the final election results and issues certificates to elected deputies. Apart from ensuring the equal allocation of free air time to electoral subjects in the public media, the CEC does not have a mandate to deal with campaign issues. As a rule, the CEC did not look into the substance of campaign-related complaints; they were either left without consideration or, if allegations were of a serious nature, referred to the office of the prosecutor general for further investigation. Furthermore, the ministry and the statistics office regularly report to the CEC on technical preparations for elections and the transfer of results.

During the election period, the CEC met regularly and worked in a transparent manner. OSCE/ODIHR EAM members could attend CEC sessions although the law does not provide for it. All session minutes were immediately made public on the website of the ministry. The CEC operated in an open and collegial manner. CEC members, however, would have benefitted from rules of procedure for their work. Very late in the process and against the advice of its electoral officer, the CEC decided to publish preliminary election results.<sup>12</sup> The OSCE/ODIHR EAM considers that the decision on the publication of preliminary results is too important to be left undecided until the very last minute.<sup>13</sup>

*Consideration could be given to introducing rules of procedure for the CEC to guide its work and, in particular, to specify its authority in relation to the release of preliminary results. As*

<sup>12</sup> Shortly before the polls closed, the CEC decided "through its expert summarizing unit to publicize the preliminary results of the vote". The CEC electoral officer's opinion was that CEC had closed this issue when they heard and agreed to a report by its expert unit on the processing of results at one of its first sessions.

<sup>13</sup> The law fails to distinguish between preliminary and final results and does not establish clear authority over the release of preliminary results.



*previously recommended, the election legislation should stipulate that CEC sessions are open to observers.*

DECs supervise PECs in their election preparations. They receive and summarize PEC results protocols and submit tabulation protocols to the CEC. They may request PECs to recount votes in a polling station. However, CEC decisions on procedural issues are not legally binding for lower-level commissions.

*As recommended before, consideration could be given to make CEC decisions on procedural matters legally binding for lower-level election administration, especially if they clarify issues not regulated by law to ensure a consistent and fair implementation of the law.*

## **B. MINISTRY OF INTERIOR AND STATISTICS OFFICE**

The ministry is primarily responsible for the organization of elections at the central level due to the temporary nature of election commissions. The ministry oversees preparations and technical-organizational aspects; it appoints an expert body to assist the CEC in performing its tasks. The government appoints an electoral officer to the CEC, who serves as an adviser with an advisory vote. As a rule, the CEC electoral officer is a senior official of the ministry.

The ministry is in charge of printing and distributing ballots and envelopes, and procuring voting equipment for polling stations. The ministry further helps the municipalities in establishing precincts, compiling the voter register and producing forms and guidelines for issuing voting certificates for absentee voting. During these elections the ministry did not have a budget for conducting a voter information campaign but frequently provided general information and clarifications on aspects of the election process through the media. In co-operation with the library for the visually impaired, the ministry organized and distributed audio and Braille versions of all candidate lists.

The statistics office is responsible for processing and tabulating election results. It established expert summarizing units at the CEC and in each DEC, providing personnel, hardware and software. The statistics office offered technical guidelines to its expert summarizing units and jointly with the ministry issued comprehensive methodological guidelines for processing the voting results. In addition to its legal obligations, the office developed optional software for electronic processing of results protocols at polling station level.

Together with the statistics office, the ministry organized training sessions on election procedures and processing of results for electoral officers at DEC level. They, in turn, trained DEC members, PEC chairpersons, deputy chairpersons and electoral officers, as well as representatives of municipal offices.

## **C. VOTER REGISTRATION**

Slovakia has a passive voter registration system which is decentralized. A person with permanent residence is eligible to vote and is registered in a permanent voter register. Each municipal office is in charge of maintaining the permanent voter register. The permanent register is continuously updated based on notifications from state bodies, other municipalities and valid complaints.

Voters without permanent residence apply to be registered in a special voter register. The

special register is kept by the municipality of Bratislava-Petržalka and for these elections contained 565 names. The mayor of this municipality sets up a special polling station and appoints a PEC to carry out the voting.

Voter lists for each polling station are drawn from the permanent register, based on the delineation of precinct borders and the addresses of voters. The municipality must assign precincts 70 days before election day and ensure that the number of voters per precinct does not exceed 1,000. The municipality closes the voter list one day prior to election day and delivers two hard copies of the voter list to polling stations no later than two hours prior to the opening of polls. Voters are listed alphabetically according to surname and voter lists also contain voters' ID numbers. Voters may be listed in only one voter list.

If a citizen requests to be entered into the permanent register, the municipality has three days to decide. The citizen may appeal a rejection to district courts. If the court grants the appeal, the municipality is obliged to amend the permanent register. On election day, however, since voter lists have already been delivered to polling stations, PECs enter such voters directly into the voter lists. This information is not necessarily passed on to the municipality, since voter lists are sealed and archived after the end of the count.

*Uniform procedures could be considered for passing information to respective municipalities on voters who have been added to voter lists on election day.*

#### **D. METHODS OF VOTING**

Legislation provides voters with the possibility to vote in person in polling stations, by absentee ballot, by post or by mobile ballot box.

Absentee voting is available to voters who are away from home on election day. Such voters are issued a voting certificate upon request, which entitles them to vote in any precinct. The PEC adds such voters to the voter list who are in turn taken off the list of their permanent registration precinct. Voting certificates contain security features, but information on the number of used certificates is not included in the PEC results protocol.

Postal voting is only available to citizens who are abroad on election day. Postal voting is based on the principle of active registration. Voters must submit a request to vote by post to their municipality where they reside and return their postal ballots no later than the last working day prior to election day.

Mobile voting is allowed for serious health reasons at the request of the voter. A relevant note is made in the voter register to avoid possible multiple voting.

#### **VI. CANDIDATE REGISTRATION**

By the 14 March deadline, a total of 18 registered political parties had nominated candidates for the elections by submitting lists of candidates to the electoral officer of the CEC and by paying an election deposit of 16,596 EUR. Two citizens attempted to register as independent candidates, but were rejected by the CEC in line with the law.<sup>14</sup> On 23 March, the CEC registered all 18 lists containing a total of 2,397 candidates. They included all parties

<sup>14</sup> CEC decisions of 22 March (regarding Mr. Krajnak) and 20 May (regarding Mr. Adamec).

represented in the outgoing parliament: SMER, SNS, HZDS, SDKU, SMK and KDH, as well as two new parties to the Slovak political scene, the liberal SAS and the Most-Híd party. Most parties had nominated the maximum 150 candidates allowed; however, one party nominated only one candidate.

Candidates may withdraw from the race at their own discretion or the nominating party may revoke their candidacy. In both cases, the deadline is 48 hours prior to election day. A total of 31 candidates dropped out of the race. Their names remained on the ballot, but preferential votes cast in their favor were not taken into account.<sup>15</sup> In the end, a total of 2,366 candidates contested the elections.

The candidate registration process was inclusive and the field of contesting parties who represent a broad variety of political views offered voters a genuine choice.

## VII. ELECTION CAMPAIGN

### A. CAMPAIGN

Political parties could campaign freely across the country. Fundamental freedoms of assembly, association and expression were respected during the campaign. Most parties used traditional means of campaigning including rallies, billboards and posters, distribution of leaflets and door-to-door canvassing, and electronic and print media. Social media such as Facebook, YouTube, Twitter and political blogs played a significant role in the campaign, especially in mobilizing young voters.

The campaign mostly focused on social and economic issues such as unemployment, the fight against corruption, the need for reform of the health and social security system and aid to regions affected by the recent flood. At the same time, the so-called ethnic card<sup>16</sup> was used in the campaign by some political contestants. The adoption of a citizenship act in Hungary featured prominently during the campaign.<sup>17</sup>

The election campaign is largely unregulated. The election law does not specify a date for the official start of the campaign. Political parties are allowed to start and organize their campaign any time they decide except for paid political advertisements that can be broadcast not earlier than 21 days before election day. The same rule applies for posters that can be displayed free of charge at places designated by municipalities. Prior to this date, however, most political parties purchased commercial billboards, which are not subject to any restrictions. Campaigning on election day is allowed after a recent amendment of the election law that removed the previous 48-hour silence period. Results of opinion polls may not be published on election day until the end of voting. A similar restriction applies to exit polls.

The election campaign was very competitive and generally calm, but was marked by inflammatory and offensive language using ethnic stereotypes, which is contrary to OSCE

<sup>15</sup> Posters with the names of withdrawn candidates were posted in the polling stations.

<sup>16</sup> The phenomenon in Slovak politics called “ethnic card” mostly refers to anti-Hungarian campaign dividing Slovak citizens along nationality lines.

<sup>17</sup> On 26 May, the Hungarian parliament passed a citizenship act that eases the access to obtain Hungarian citizenship for ethnic Hungarians residing abroad. Almost simultaneously the Slovak parliament responded by amending its own citizenship law. Slovak citizens initiating application procedures for Hungarian citizenship will automatically be stripped of their Slovak citizenship.

commitments (see National Minority section).

On the eve of the election day, the prime minister and frontrunner of the SMER party accused political opponents of unfair campaign methods. He called on the police to prevent the distribution of some 300,000 letters allegedly bearing his signature and calling SMER supporters to vote for the non-parliamentary Party of Democratic Left (SDL). A motion filed with the CEC was referred to the prosecutor general. Other political parties, including the SDL, denied being involved in the distribution of the letters.

## **B. PARTY AND CAMPAIGN FINANCING**

The present campaign finance regulation includes elements that could potentially form the foundation of an effective regulatory regime. However, the effectiveness of these elements is undermined by insufficiently detailed legal provisions and, most notably, by a lack of enforcement.

Political parties are required by law to submit annual income and expenditure reports as well as interim and final campaign finance reports that include information on political party donations and their expenses. The annual income and expenditure reports are lodged with the parliamentary committee on finance, budget and currency, the interim and final campaign finance reports with the Ministry of Finance. The reports are verified and then made available for the public on the Internet.

The responsibility for verifying the correctness of interim, final and annual reports is divided between the Ministry of Finance and the parliament. However, none of these institutions conducts independent audits, campaign monitoring or cross checks with contractual partners of the political parties. When reviewing party finance reports, they verify if the reports have been compiled in compliance with the legal requirements. The obligation to submit pre-election interim reports creates a potential for increased transparency. However, this potential is weakened by the fact that even if parties submit incorrect or incomplete information or fail to submit a list of their donors, the report is supplemented or corrected only after the elections.<sup>18</sup>

Sanction mechanisms for incomplete reporting include the possibility to withhold public subsidies or impose a fine if the reporting is found to be non-compliant with law. In total some 182 such fines have been imposed on political parties since 2001.<sup>19</sup> However, political parties have paid only 10 of the pending fines and several of them date back to 2001. The Ministry of Finance is responsible for imposing the fines regarding annual reports upon a recommendation from the parliamentary committee. In essence, despite having sufficient administrative capacity, neither the Ministry of Finance nor the parliamentary committee enjoys the necessary independence and impartiality needed to monitor the complex issues of party and campaign financing.

*Consideration could be given to creating an independent institution that would monitor, review and audit political party and campaign finances, enforce the existing regulations and prepare proposals for improvements of the legal framework. Such institutions could be composed of professionals appointed by the parliament but other models exist such as commissions*

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<sup>18</sup> For instance, three parliamentary political parties did not include any information on donors in their campaign finance interim reports submitted prior to the elections.

<sup>19</sup> Information provided by the parliamentary committee on finance, budget and currency.

*composed of judges.*

In order to strengthen political parties organizationally and ensure their independence from the influence of economic interests, a substantial amount of funds is disbursed to them in the form of public subsidy.<sup>20</sup> Nonetheless, in an extraordinary session two days prior to election day the parliament passed amendments that foresaw a cut of the public subsidy for every received vote from 1 to 0.75 per cent of the average nominal salary with the intention that the remaining funds be allocated to the areas affected by floods.<sup>21</sup> This amounted to a cut in the annual public subsidy by some four million EUR. OSCE/ODIHR EAM interlocutors were critical of such legislative change so close to elections and perceived it as a part of the campaign of larger parties and specifically damaging to the smaller parties that had counted on a certain amount of public subsidy to cover for their campaign expenditures. Although provisions that govern public subsidies do not form the core of electoral laws, introducing such amendments immediately before election day cannot be considered a good practice as rules of the game should be known before the election period starts.

On occasions when political parties receive public subsidies, it is considered a good practice that either the total amount of donations or the amount on an individual donation is limited. However, there appears to be an ambiguity whether the law prescribes a limit on individual donations or not. Many OSCE/ODIHR EAM interlocutors believed that the cap on individual donations is 5,000 EUR. In fact this limit refers only to donations received in cash but does not apply to donations given to parties i.e. by bank transfer.<sup>22</sup>

*The existing system for public financing of political parties should be coupled with clearly defined conditions for receipt of individual donations; consideration should in particular be given to enforcing limits of the amount of individual donations to all types of contributions.*

Non-governmental interlocutors of the OSCE/ODIHR EAM expressed dissatisfaction with the failure of political parties to adopt amendments that would strengthen the present campaign finance regulation to render it more effective. The NGO community indicated that despite their significant advocacy efforts in the past, none of the political parties contesting these elections referred to the need for improving the campaign financing system in their election platforms. This lack of political will to strengthen the system, especially in the area of enforcement, has also been noted by the Council of Europe Group of States against Corruption (GRECO).<sup>23</sup>

*Consideration could be given to reviewing the current campaign finance system so that a consensus on necessary improvements could be reached and the appropriate amendments introduced well ahead of the next elections.*

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<sup>20</sup> Parties are allowed to use public subsidies for campaigning and their interim reports show that they count on them in their campaign budget: the campaign expenditures of all political parties were higher by some two million EUR than their income from donations and loans as they expected public subsidies to help cover the gap.

<sup>21</sup> Both the election law and the law on political movements and political parties were amended.

<sup>22</sup> Article 24.2 of the law on political movements and political parties stipulates that "A party can receive a gift of 5,000 EUR maximum in cash from one donor only once a year." The provision was introduced in 2008 by an amendment to the law.

<sup>23</sup> GRECO Third Evaluation Round, Compliance Report on the Slovak Republic, March 2010, see at: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2010\)3\\_Slovakia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2010)3_Slovakia_EN.pdf).

## VIII. MEDIA

### A. MEDIA LANDSCAPE

The media environment in Slovakia is free and pluralistic. It offers a wide variety of broadcast and print media with more than 100 television and 20 radio stations. The public *Slovenská Televízia (STV)* has three channels: the *STV1*, the cultural *STV2* and the recently launched sports channel *STV3*. The public radio broadcaster *Slovenský rozhlas* (Slovak Radio) operates eight stations, including *Radio Slovensko*, *Radio Regina* dedicated to the regions and *Radio Patria* in Hungarian. Both public broadcasters are independent public services each monitored by a council of 15 members elected by the parliament.

The main television broadcaster is the privately owned *Markíza TV*.<sup>24</sup> Cable and satellite TV stations are available. More than 1,000 periodicals are registered including the daily newspaper *SME*, which sells some 60,000 copies a day.<sup>25</sup> The two main news agencies are the private *SITA* and the public *TASR*. More than 70 per cent of households in the country have access to fast Internet connection.

### B. LEGAL FRAMEWORK

The law on broadcasting and retransmission is the main law regulating electronic media. It requires broadcasters to ensure a plurality of opinions and information in general, as well as objectivity and impartiality in their news programs. The Council for Broadcasting and Retransmission (hereinafter broadcasting council),<sup>26</sup> whose nine members are appointed by the parliament, monitors electronic media's compliance with the broadcasting law and with the election legislation. However, the CEC is also mandated to monitor electronic media during the campaign. The CEC resolves any dispute concerning allocation or scheduling of paid political advertisement and participation in the discussion programs on equal terms.

The campaign in the electronic media begins 21 days before election day. Public radio and television had to allocate ten hours of broadcasting time for discussion programs, equally distributed between the contesting parties. Additionally, public broadcasters had to dedicate 30 minutes for paid political advertisements to each contestant. Private broadcasters could air discussion programs with candidates if they presented a project for such programs to the broadcasting council 30 days prior to its scheduled start. Additionally, private broadcasters could allocate 30 minutes for paid political advertisements to each contesting party. Outside an election campaign paid political advertisement is not permitted.

While limiting paid political advertisement in broadcast media to 30 minutes can be interpreted as ensuring a level playing field among contestants, there is no requirement that all broadcasters charge equal rates for all electoral subjects.

*Consideration could be given to introducing a requirement that rates for paid campaign-related airtime and space should not exceed comparable rates for commercial advertisement.*

<sup>24</sup> Its prime time newscast at 19:00 hrs. has a 53 per cent audience share.

<sup>25</sup> Its web version has more than 1,000,000 individual visits a month.

<sup>26</sup> The objective of the broadcasting council is to enforce the interests of the public in the exercise of the rights to information and freedom of speech, and the rights of access to cultural values and education, and to implement State regulation in the field of broadcasting and retransmission (article 4.1 of the broadcasting law).

*The broadcasting council could be mandated to monitor compliance with the limits on paid political advertising.*

The election campaign in the press is not limited to a specific period and print media are self-regulated. In 2008 a new press law established the right of correction and the right of reply.<sup>27</sup> It requires the publication of a reply if an article contains a statement of facts that impinges on the honor, dignity or privacy of a person. The reply must be published in a similar position and format as the published statement of facts. National and international media organizations<sup>28</sup> have expressed concerns since the new law obliges media to reply regardless of the truthfulness of the facts described in the article. An independent study<sup>29</sup> concluded that publishers have so far refused to print the majority of such requests, since the requests for replies did not meet formal requirements stipulated by the law. It also showed that the requests were mainly made by politicians and public officials and not by common people as the lawmakers originally claimed to. Several of these unmet requests have been brought to court, where the cases are still pending.<sup>30</sup>

In recent years, public officials have frequently initiated civil defamation cases against print and electronic media, which resulted in considerable fines. The OSCE/ODIHR EAM was informed that this trend had a chilling effect on investigative journalism. However, in a recent decision the Constitutional Court ruled that the judiciary violated the principle of freedom of expression by fining a magazine for defamation in a case adjudicated by a judge.<sup>31</sup>

### C. MEDIA COVERAGE OF THE CAMPAIGN

In accordance with its legal obligation, *STV* scheduled discussion programs and suggested three roundtables for which it proposed to divide the 18 contesting parties into three groups: one for parliamentary parties and two for non-parliamentary parties. Each group had the opportunity to be broadcast in three different shows, dealing with a different topic: economic and social issues, international and foreign policy, and law and order. While most parties accepted this format, the *SDL* filed a complaint arguing that the chosen grouping discriminated non-parliamentary parties (see below). The roundtables were broadcast on *STV2* and simultaneously interpreted in sign language. In addition, *STV* also broadcast paid political advertisement; five parties opted for paid advertisements on *STV*.<sup>32</sup>

The broadcasting council received three complaints from four political parties, all against the *STV*. The first was filed jointly by *SaS* and *Most-Híd* and accused the *STV* for bias by inviting only parliamentary parties to the weekly political debate show “5 minutes to 12”. The parties argued that according to public opinion polls both their parties stood a fair chance of

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<sup>27</sup> According to Council of Europe Committee of Minister’s recommendation (2004) 16 to member states on the right of reply in the new media environment “any natural or legal person, irrespective of nationality or residence, should be given a right of reply or an equivalent remedy offering a possibility to react to any information in the media presenting inaccurate facts about him or her and which affect his/her personal rights.” See at: <https://wcd.coe.int/ViewDoc.jsp?id=802829&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

<sup>28</sup> Including the OSCE Representative on Freedom of the Media and the International Press Institute.

<sup>29</sup> By the Faculty of Media, Bratislava School of Law: <http://www.branoondrasik.sk/research-reply.pdf>.

<sup>30</sup> The daily *SME* has about 20 cases of refused rights of reply still pending.

<sup>31</sup> In the concrete case, the magazine reported that a particular judge had been awarded a considerable amount in damages for defamation cases against media. Subsequently the judge filed a defamation case against the magazine that was fined. The Constitutional Court ruled against the decision of the court arguing that judiciary cases are legitimate topics of public interest.

<sup>32</sup> *SNS*, *SDL*, *Roma Coalition Party (SRK)*, *SMER* and *SDKU*.

surpassing the five per cent threshold and should have therefore been invited. The *STV* management informed that on 31 May the same show hosted representatives from SMER, SaS and Most-Híd. On that ground, the broadcasting council rejected the complaint as unsubstantiated.

The second complaint was filed by SDL. In addition to accusations against *STV* for discriminating non-parliamentary parties in their election roundtables, SDL pointed out that *STV* began broadcasting paid advertisements only on 26 May rather than on 22 May as indicated by law. The broadcasting council deemed the complaint unsubstantiated and in a separate private letter to SDL gave their interpretation of the law explaining that broadcasting of political advertisements may not begin earlier than 21 days before election day, whereby the broadcaster has the option to start airing advertisement whenever they wish after 22 May.

On 9 June, SDL filed a new complaint accusing *STV* of violating the election law. During the election roundtable broadcast on 1 June, the host repeatedly interrupted the SDL representative requesting her to adhere to the chosen topic. SDL indicated in the complaint that the law does not stipulate what should be the content of discussion programs. The broadcasting council referred the matter to the CEC, which after a short discussion voted to “take note” of the complaint.

The OSCE/ODIHR EAM learned from the broadcasting council that election-related complaints and subsequent decisions were not made accessible to the public by the council due to a legal provision that prohibits disclosure of the identity of the complainant.<sup>33</sup>

*It is recommended that the broadcasting council provide the complainant with a motivated decision on any election-related complaint, even if the complaint is considered “unsubstantiated”, and that the complaint together with the decision be published on the website of the council. This would enhance transparency.*

Some OSCE/ODIHR EAM interlocutors and media reports expressed concerns regarding the impartiality of *STV* in favor of the ruling coalition. The OSCE/ODIHR EAM did not undertake a comprehensive media monitoring of the campaign. Findings of the domestic media monitoring NGO *Memo 98* suggest that *STV* generally gave a balanced coverage of the political forces in its news casts in the period from 22 May to 7 June.<sup>34</sup> However, *Memo 98* noted that one week before election day *STV* dedicated an entire evening to indirect election campaigning at the benefit of the ruling party SMER.

As envisaged by law, the main private TV station *Markíza* presented its plan for discussion programs to the broadcasting council and on 7 June began broadcasting the first of four shows with representatives of all contesting parties.<sup>35</sup> The last two shows were dedicated to the eight parties with highest support in opinion polls. According to findings of *Memo 98*, *Markíza* was the only TV channel, which covered all 18 contesting parties in its news programs. Six parties paid for political advertisements on *Markíza*.<sup>36</sup>

<sup>33</sup> Article 14.a.6 of the broadcasting law.

<sup>34</sup> See *Memo 98 monitoring report* at <http://www.infovolby.sk/index.php?base=data/pr/1276121173.txt>.

<sup>35</sup> According to the broadcasting council the only private broadcasters who presented a plan for discussion programs were *Markíza TV*, *Radio Expres* and two local TV channels.

<sup>36</sup> SMER, SDKU, SDL, SaS, Unia, and SNS.



The magazine *Týždeň* (“weekly”) launched a campaign against the leader of the ruling coalition. On 31 May, the portrait of the incumbent prime minister marked with a red cross appeared on the magazine’s front page. Eighty thousand copies of the magazine were distributed for free. Fifty short videos featuring celebrities encouraging young voters to go to the polls and vote “another way” were posted on the magazine’s website. The editors of the magazine approached *Markíza* to purchase airtime for broadcasting three of these short videos. The TV channel refused arguing that according to the election law only contesting parties can place political advertisements on TV. The magazine, on the contrary, maintained that its ads were not in support of a specific party and assessed the decision of *Markíza* as an indication of lack of independence.<sup>37</sup>

## IX. PARTICIPATION OF WOMEN

Apart from the Constitution, the 2004 anti-discrimination law constitutes the most important legislation in the field of gender equality and equal opportunities.<sup>38</sup> The National Gender Equality Strategy for the Period 2009-2013 aims to incorporate the gender aspect in the design and implementation of policies at all levels. However, the legal framework does not provide for specific measures to promote participation of women in decision-making, thus leaving the advancement of women in politics principally an internal matter for political parties.

Few parties applied internal rules regarding nomination of female candidates on party lists. Out of the 2,366 candidates on election ballots, 539 or 22.8 per cent were women. Few women were placed on the ballots in positions likely to be elected. Among the top 20 candidates of the six winning parties the share of women was 13.3 per cent, and only party SDKU had a female frontrunner.<sup>39</sup>

Parliamentary representation of women remains inadequate. As a result of the elections, 23 women candidates out of total of 150 deputies (15.3 per cent) were elected to the parliament,<sup>40</sup> a decrease from 27 over the 2006 elections. On 8 July, Ms. Iveta Radičová was sworn in as first female prime minister of Slovakia to head the new 13-member cabinet with one female minister. As appointed ministers relinquished their parliamentary seats for their term in office to substitutes, the number of women in the parliament increased to 24 (16 per cent).

In the election administration women seemed to be generally well represented. At the CEC seven out of eighteen members were women, including the chairperson and the deputy chairperson.

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<sup>37</sup> Article 32.11 of the broadcasting law defines political advertisement as a public announcement in support of a political party during an election campaign.

<sup>38</sup> The 2004 law, as amended in 2007 and 2008, transposes important EU directives on these matters into the national legal system. However, gender equality with regard to participation in decision-making is not mentioned in this law.

<sup>39</sup> The percentage of female candidates on the list of winning parties was as follows: KDH – 22.7, Most-Híd – 19.3, SMER and SaS – 18 each, SDKU – 16 and SNS – 12.7. Four parties had more than 30 per cent female candidates on their lists, but did not gain parliamentary representation. Data provided by the statistics office.

<sup>40</sup> Twenty-three female MPs were elected from the lists of five out of six winning parties: SMER – six women, SDKU – six, SaS – four, KDH – two, and SNS – one. Data provided by the statistics office.

## X. PARTICIPATION OF NATIONAL MINORITIES

The Constitution enacts principles of equality, including political rights, for all citizens. Among the international instruments relevant for protection of rights of national minorities, Slovakia has ratified the Council of Europe Framework Convention for Protection of National Minorities (ratified and entered into force in 1998) as well as the European Charter for Regional or Minority Languages (ratified in 2001 and entered into force in 2002). There are 13 officially recognized national minorities in the country.<sup>41</sup> Hungarians represent the largest minority with some 520,500 persons. Officially, the Roma population comprises about 90,000 persons; however, it is a widely shared view that their actual number is significantly higher.<sup>42</sup>

Ethnic Hungarian political parties have contested all elections since 1990. The SMK party had 20 seats in the outgoing parliament, but in these elections fell short of the five per cent threshold. However, a new political party with a significant ethnic Hungarian membership, Most-Híd, won 14 seats.<sup>43</sup>

While Roma are not united under one party<sup>44</sup> and continue lacking representation at national level, Roma votes were contested by many. Some ten candidates identifying themselves as Roma were running on the candidate lists of four mainstream parties.<sup>45</sup> No Roma candidate was elected to the new parliament.

Due to poor socio-economic conditions, often low level of education and widely experienced social exclusion, considerable number of Roma voters are particularly vulnerable constituting an easy target for electoral manipulations. Undue influence over Roma voters, notably vote buying, was raised as a concern by almost all OSCE/ODIHR EAM interlocutors.<sup>46</sup> Some cases were reported to the authorities (see Complaints and Appeals section),<sup>47</sup> however in Slovakia vote buying is not explicitly referred to in relevant laws. A civil society initiative to reinforce the commitment of political parties to abide by law in their campaign by signing a code of conduct did not find broad support.

*It is recommended to adopt a comprehensive approach to tackle undue influence on voters' choice. All factors contributing to the phenomenon of vote buying should be considered, including the lack of political culture on the importance of free choice during democratic elections and criminalization of vote buying. Electoral legislation should be reviewed, bearing in mind that the current system allows an easy method to control voters' choice by not requiring the unused ballots to be left in the polling station.*

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<sup>41</sup> Bulgarian, Croatian, Czech, German, Hungarian, Jewish, Moravian, Polish, Roma, Russian, Ruthenian, Serbian and Ukrainian.

<sup>42</sup> According to the 2001 census, 1.7 per cent of the population identify themselves as Roma. Scholars, authorities, international and civic organizations estimate their actual number between 350,000 and 600,000. The Council of Europe Roma and Travellers Division estimate it at around 490,000.

<sup>43</sup> Most-Híd speaks for inter-ethnic cooperation between ethnic Slovaks and Hungarians and applied quotas for minority candidates on its party list. Both ethnic Hungarian candidates and ethnic Slovaks were elected on its list.

<sup>44</sup> The Roma coalition party SRK presented 115 candidates, but gained only 0.27 per cent of the vote.

<sup>45</sup> Roma candidates appeared on the lists of HZDS, Most-Híd, KDH and Azen, however none in winning positions.

<sup>46</sup> Reports to the fact that political parties or agents were offering money, food or beverages in Roma settlements upon receiving unused ballots as proof of voter choice. On election day, OSCE/ODIHR EAM noted that voters were systematically bringing their unused ballots out from the polling station in a Roma settlement.

<sup>47</sup> The CEC received a number of complaints related to vote buying or undue influence on Roma voters.

Regrettably, election campaigning by some parties contained intolerant rhetoric, exploiting negative stereotypes about minorities and fears present in the society at large. For instance, the program of People's Party Our Slovakia stated that "We will eliminate the unfair prioritizing of gypsy parasites over decent people." SNS party used billboards featuring a photo of bare-chested Roma man, which had been digitally altered by adding tattoos and a golden chain displaying the slogan: "So that we do not feed those who do not want to work".

This is in clear violation of principles enshrined in the 1990 OSCE Copenhagen Document and other international instruments to minority protection that aim at encouraging tolerance and intercultural dialogue and combating prejudices leading to racial discrimination.<sup>48</sup> These billboards were condemned by a number of Roma civic groups and other NGOs, as well as by political opponents, and some companies refused to display those billboards.

*Large scale awareness raising or civic education programs, targeting vulnerable groups (e.g. Roma voters) as well as political parties and the society at large should be considered. The program should be designed and implemented in close co-operation with Roma civic organizations.*

Some OSCE/ODIHR EAM interlocutors in the Hungarian-speaking minority raised concern regarding legal provisions that only permit the use of minority languages in advertisements for public display alongside with Slovak,<sup>49</sup> while others did not see it as a problem for their campaign. Additionally, official election materials were available only in Slovak.<sup>50</sup>

*Consideration should be given to providing election-related information in minority languages, which would enhance overall understanding of the electoral process.*

## **XI. COMPLAINTS AND APPEALS**

The election law contains only a few articles addressing the resolution of election-related disputes. It mandates the Supreme Court to consider appeals against CEC refusals to register candidate lists and district courts to consider appeals against decisions of municipalities with regard to voter registration. It further identifies the Constitutional Court as the venue for claims against the constitutionality or legality of election results.<sup>51</sup>

The Constitutional Court may annul disputed election results or ultimately invalidate the entire election, may annul a decision of the CEC and reinstate a duly elected candidate. It is further competent to decide on the dissolution or termination of activity of political parties. There is no legal deadline for the Constitutional Court to consider appeals, which may result in a protracted and lengthy adjudication process.

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<sup>48</sup> Paragraph 40 of the Copenhagen Document obliges the OSCE participating States to clearly and unequivocally condemn anti-Semitism and xenophobia.

<sup>49</sup> According to the law on state language public signs must be in Slovak, but may display a translation of the text into another language using smaller or same size fonts.

<sup>50</sup> Several international instruments and guidelines refer to the right to use minority languages in the electoral process and to have access to election related information in minority languages. See i.e. paragraph 32.5 of 1990 Copenhagen Document, article 9.1 of the Framework Convention and the UN General Comment 25 (1996). See also article 34 of the Slovak Constitution.

<sup>51</sup> To the knowledge of the OSCE/ODIHR EAM, the Constitutional Court did not receive any complaints regarding this election process.

*It is recommended to set adequate time limits for the Constitutional Court to decide on election-related appeals and complaints.*

Citizens, as a last judicial instance, may also appeal to the Constitutional Court alleging violations of fundamental freedoms and constitutional rights. Other possible complaints are decided by ordinary courts or referred to the prosecutor's office if criminal offences are alleged.

Notably, an adequate complaint mechanism for campaign violations, especially with regard to paid political advertisements, is absent in the election law. If parties or coalitions violate municipal resolutions on the allocation of sites for free posting of campaign material the law on minor offences applies.<sup>52</sup>

The CEC received few complaints prior to election day. In most cases the CEC stated that it was not competent to decide on them. If criminal offences were alleged, the CEC as a rule forwarded such complaints to the office of the prosecutor general. This included all cases of alleged vote buying. In case when complainants expressed concerns over the possible manipulation of election results by PEC members, the CEC ordered the presence of DEC members during the vote count.

At its sessions on and after election day prior to the announcement of the final results, the CEC considered complaints received by its members or officials via phone, e-mail, and fax or in writing and generally responded to them adequately. The CEC referred three cases of vote buying allegations to the prosecutor general's office. In some instances CEC members went in person and followed up on the spot the issues mentioned in the complaints.<sup>53</sup>

The CEC considered nine complaints over procedural mistakes during voting in polling stations and where possible took adequate remedial actions on them. In a few instances, a PEC member forgot to retract the voting certificate from an absentee voter thus creating a potential for multiple voting. Also some instances of breaches to the security of vote during homebound voting were reported to the CEC. In four instances, voters appeared to vote only to discover that their names had already been circled in the voter lists. On two of those cases the CEC decided not to take any action after discussing the complaints. The remaining two cases were referred to the respective PECs, which decided to allow those voters to vote, alleging that commission members mistakenly circled their names.

*It is recommended that the legislation clearly stipulates a legal procedure for considering complaints by the CEC to ensure a uniform adjudication of complaints and equal treatment of plaintiffs.*

Notably, the CEC did not receive any complaints regarding the counting and tabulation of votes, and the CEC final results protocol was not challenged in court.

## **XII. ELECTION DAY**

The Slovak system provides broad possibilities for voters to cast a ballot, including postal voting for voters with temporary or permanent residence abroad, homebound voting and

<sup>52</sup> Article 46 of the 1990 law on misdemeanors stipulates a fine of 33 EUR for such violations.

<sup>53</sup> The complaint concerned alleged vote buying in a Roma settlement in Bratislava-Petržalka.

absentee voting.

A total of 5,861 voters returned postal ballots before the 11 June deadline. Homebound voters could file a request with a PEC to vote by the mobile ballot box as late as on election day. The PEC appointed two members to facilitate their vote and the municipality provided transport. The interest for absentee voting is growing. Municipalities visited by the OSCE/ODIHR EAM estimated that they had issued voting certificates to some two to five per cent of the electorate by the 10 June deadline.<sup>54</sup> The vote of hospitalized voters and voters in prisons and detention centers is coordinated by the head of the respective institution and a combination of homebound voting and, if necessary, voting certificates is applied.

#### **A. VOTING**

In line with standard OSCE/ODIHR practice, the EAM did not undertake any systematic or comprehensive observation of voting, counting and tabulation procedures. However, the OSCE/ODIHR EAM members visited a limited number of polling stations in Bratislava, Košice, Trenčín and Trnava on election day.

Polling stations were open to voters from 07:00 to 22:00 hrs. PEC members were on duty from 05:00 hrs. in order to receive voter lists and ballot material and prepare the polling station. All visited polling stations opened on time and voting commenced in a professional and calm atmosphere throughout election day. PEC members appeared well trained and organized. The electoral officers played a positive role overseeing the process and providing advice when requested.

PEC members consistently checked voters' IDs, circled their numbers in the voter lists and issued the required set of 18 ballots and a ballot envelope to voters.<sup>55</sup> The CEC received only few reports about deviations from polling procedures (see Complaints and Appeals section).

OSCE/ODIHR EAM observers noted sporadic occurrence of family voting, notably in polling stations in Roma settlements, and this was not corrected by polling officials. Unused ballots were collected in bins or remained with the voter. It is not prohibited for voters to carry unused ballots outside the polling station, which might create an unwelcome potential for breaches to the secrecy of vote.

*Consideration should be given to prohibiting voters to leave the polling stations with unused ballots in order to ensure secrecy of the vote and not to facilitate vote buying or any other schemes that aim to exercise undue influence over voters' choice.*

In line with the law, PECs prolonged voting hours with up to 30 minutes in 13 polling stations in compensation for the time they had to interrupt voting due to power cuts caused by lightning. Subsequently, the CEC announced voting completed shortly after 22:30 hrs.

#### **B. COUNTING AND TABULATION**

Political parties expressed a high level of confidence in the process of counting and the

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<sup>54</sup> The total number of issued voting certificates was not available.

<sup>55</sup> In a few instances reported to the CEC, voters by mistake of the PEC had been issued less than the required number of ballots. Media reported widely about Ms. Ficova, wife of the incumbent prime minister, who experienced this. All such cases were immediately remedied by the relevant commission.

tabulation of results. OSCE/ODIHR EAM observers were present at a few counts and tabulations and generally noted an orderly and efficient process with only minor procedural deviations.

Some PECs used the optional software for electronic recording of the results protocol, but the majority reported their results to the DEC on paper protocols only.

According to the law the PEC chairperson takes one signed copy of the PEC protocol to the DEC for tabulation. Members of the expert summarizing units enter PEC protocol figures into the database and produce two printouts. If protocol figures match the printouts, the PEC chairperson signs them and appears before the DEC for a final check. Obvious mistakes were reconciled on the spot by amending the protocol in a way that original figures remained visible. If serious mistakes were found, the DEC ordered a recount. OSCE/ODIHR EAM observed a DEC ordering a recount in a case where a PEC showed lack of understanding of the rules for counting preferential votes. The PEC in question had assigned preferential votes to the top four candidates if the ballot was cast for a party only. When all PEC protocols were processed, the DEC completed its own results protocol and forwarded it to the CEC.

### **C. ANNOUNCEMENT OF RESULTS**

The release of preliminary results on the website of the statistics office began within the first hours after the closing of polling stations and was completed in the early morning on 13 June. The same day the CEC received and processed DEC protocols and in the early afternoon announced the final result of the vote.<sup>56</sup> The final results based on DEC paper protocols confirmed the preliminary results which had been transferred electronically from DEC to the server of the statistics office. The CEC protocol was published on the website of the statistics office together with the results breakdown by region, municipality and polling station and this information was additionally provided on CD-ROM to political parties, the media and others on their request.

Voter registration totaled 4,362,369, of which 2,566,779 or 58.83 per cent voters were issued ballots in polling stations compared to 54.67 per cent voter participation in 2006 (for further details see Annex).

### **D. ALLOCATION OF SEATS**

Six parties passed the five per cent threshold for participation in the distribution of parliamentary seats.

Some 15.9 per cent of the total valid votes were cast on parties that did not pass the threshold. A total of nine parties qualified for a return of electoral deposits by receiving at least two per cent of valid votes<sup>57</sup> while eight qualified for state subsidies by receiving at least three per cent of valid votes.

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<sup>56</sup> One member of the CEC representing SDL refused to sign the final results protocol arguing that the breakdown of the results by polling station was not made available to him before the scheduled signing of the CEC protocol on 13 June, which made it impossible to compare and check the correctness of the official results with PEC protocol data collected by members of his party.

<sup>57</sup> Apart from the six parties that gained parliamentary representation this included SMK (4.33 per cent of valid votes cast), HZDS (4.32 per cent) and SDL (2.44 per cent). SDL did not qualify for State subsidy.

Out of valid ballots cast for the new parliamentary parties, an average of 73.5 per cent contained a preferential vote for one or more candidates. This indicates that voters made extensive use of the possibility to influence party choice. Eleven candidates successfully broke the party list ranking and secured a seat by gaining at least three per cent of valid preferential votes, see table below.

*Preferential votes, by party in the new parliament*

Party	Preferential votes in % of total of votes received by parties	Mandates received	Candidates with at least 3% preferential votes	Candidates breaking the party list ranking	Their ranking on the party list
SaS	68.09	22	22	4	147,148,149,150
SNS	73.74	9	8	1	20
KDH	77.12	15	10	1	20
SDKU-DS	72.60	28	10	1	30
SMER	72.79	62	9	0	-
Most-Híd	82.88	14	16	4	23,29,33,43
Total	73.5	150	75	11	

Furthermore, the table confirms that some candidates, notably those representing the two new parliamentary parties SaS and Most-Híd, actively used the numbers under which they were ranked in the party list in their campaign strategy and succeeded in passing this message to their electorate. The Most-Híd party had the highest share of candidates collecting three per cent of valid preferential votes. Also, more candidates qualified for obtaining a seat than the actual number of mandate received by the party. As a result, two such candidates became substitutes.

After the elections, the president initially invited incumbent prime minister Fico, leader of the SMER party that won most seats in the new parliament to form a government. As Mr. Fico failed to form a new government, the invitation was extended to the leader of the second largest party, Ms. Radičová of the SDKU. On 8 July, a coalition of four center-right parties comprised of SDKU, SaS, KDH and Most-Híd formed a new government led by the country's first female prime minister.

## ANNEX: RESULTS

Final results were published by the statistics office.<sup>58</sup>

Final election results according to the official CEC protocol:

Total number of registered voters	4,362,369
Total number of voters who took part in the elections	2,566,779
Voters who returned postal votes from abroad	5,861
Voters who cast ballots in person in polling stations <sup>59</sup>	2,558,565
Total number of valid votes	2,529,385
Turnout in per cent	58.83
Share of valid votes cast in per cent	98.63

Distribution of valid votes to political parties and allocation of seats:

No.	Party abbreviation	Valid votes	Percentage	Seats
1	EDS	10,332	0.40	
2	Únia	17,741	0.70	
3	SRK	6,947	0.27	
4	Paliho Kapurková	14,576	0.57	
5	SaS	307,287	12.14	22
6	SDL	61,137	2.41	
7	SMK - MKP	109,638	4.33	
8	ĽS - HZDS	109,480	4.32	
9	KSS	21,104	0.83	
10	SNS	128,490	5.07	9
11	ND	7,962	0.31	
12	ZRS	6,196	0.24	
13	KDH	215,755	8.52	15
14	ĽSNS	33,724	1.33	
15	SDKÚ - DS	390,042	15.42	28
16	AZEN	3,325	0.13	
17	SMER	880,111	34.79	62
18	MOST - HÍD	205,538	8.12	14
Total		2,529,385		150

<sup>58</sup> See at: [http://app.statistics.sk/nrsr\\_2010/menu/indexV.jsp?lang=en](http://app.statistics.sk/nrsr_2010/menu/indexV.jsp?lang=en).

<sup>59</sup> The number of ballot envelopes found in the ballot box (2,558,565 + 5,861) is by 2,353 less than the number of ballot envelopes issued to voters (2,566,779). The difference is explained by the fact that it includes ballot envelopes found empty in the ballot box ("blank votes"), which are counted neither as invalid nor valid votes.



## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).