



# THE CHAMBER OF DEPUTIES

## PARLIAMENTARY ELECTIONS

The Czech Republic belongs to the group of countries that have a parliamentary system of government, although such a system of government is rather unique among the post-communist states in Europe. In the course of drafting the current Constitution of the Czech Republic in 1992, the traditional parliamentary system prevailed. The present system represents a continuation of the model of Czechoslovak parliamentarism that existed between the two World Wars, newly enriched by some elements that are particularly typical of the current French constitutional model. This is reflected by the relatively strong powers that the Constitution vests in the President, as compared with other parliamentary democracies. Nevertheless, the dominant role of Parliament in the constitutional system, in addition to the election of the President by the Parliament and the political dependence of the Government on the Parliament means that even the Czech Republic reflects the model of rationalised parliamentarism.

### A BICAMERAL PARLIAMENT

The existence of a bicameral legislative body, as reflected in the current Constitution of the Czech Republic, is a traditional concept that has applied on the territory of the Czech Republic from the second half of the 19<sup>th</sup> century. The bicameral model continued to exist in 1918 after the creation of the first independent Czechoslovak Repub-

lic (until 1938) and was reinstated following the creation of a federal model of government in 1968. Both chambers of today's Parliament – the Chamber of Deputies and the Senate – function independently of one another and the Czech constitution entrusts each chamber with different powers.

**The Chamber of Deputies** is entrusted with greater powers than the Senate, especially as regards the exercise of parliamentary scrutiny over the Government, given that the Government of the Czech Republic is only responsible to the Chamber of Deputies. The Chamber of Deputies also has greater legislative powers than the Senate. In the case of proposals for regular laws, the Chamber of Deputies may vote to overrule the Senate, if the Senate has rejected a legislative proposal or proposed any amendments. In such a case, a majority of all Deputies (i.e. at least 101 Deputies) must vote to overrule the Senate. However, in the case of proposed constitutional laws or proposals for the expression of consent with the ratification of international agreements as well as in certain cases pertaining to defense and security, the Chamber of Deputies and the Senate have equal powers.

**The Senate** participates in parliamentary legislative work and exercises certain other powers. Specifically, the Senate deliberates legislative proposals that are submitted to it by the Chamber of Deputies. The Senate also expresses consent with the appointment of judges of the Constitutional Court on a proposal from the President. Additional-

## BASIC DIFFERENCES BETWEEN THE CHAMBER OF DEPUTIES AND THE SENATE OF THE CZECH REPUBLIC

	<b>Chamber of Deputies</b>	<b>Senate</b>
Number of members	200	81
Length of term	4 years	6 years
Electoral system	Proportional (using the d'Hont method)	Majoritarian
Number of electoral ridings	14	81
Who may be elected	Citizens aged 21 years or older	Citizens aged
		40 years or older

ly, the Senate plays an important legislative role at times when the Chamber of Deputies is dissolved. At such times, the Senate may, on a proposal from the government, adopt legal measures in place of regular laws, where such measures may not be postponed and where a regular law would have been proposed, were the Chamber of Deputies not dissolved. When the new Chamber of Deputies is elected, it must approve any provisional legal measures that have been adopted by the Senate, otherwise, they cease to have effect.

## PARLIAMENTARY ELECTIONS IN THE CZECH REPUBLIC

Elections to both Chambers of Parliament in the Czech Republic take place on the basis of a universal, equal and direct right to vote by secret ballot. The basic principles for parliamentary elections are set out in the Constitution of the Czech Republic, whereas specific rules are elaborated in Act no. 247/1995 Coll., as subsequently amended. The right to vote (the active electoral right) is granted to all citizens of the Czech Republic who are aged 18 years of age or older and who have full legal capacity and whose liberty has not been curtailed for reasons of public health. Elections are called by the President and take place over two days (Friday and Saturday). Voting takes place in permanent electoral ridings and, in the case of elections to the Chamber of Deputies, at embassies abroad. Each voter may cast only one vote (voting on behalf of another person is not permitted) and is allowed to vote upon presentation of a valid identification document which proves his or her identity and Czech citizenship.

### THE ELECTORAL CAMPAIGN

The electoral campaign must be carried out in an honest and fair manner. Specifically, untrue information about candidates and political par-

ties (political parties, political movements or coalitions) must not be made public. Campaigning is forbidden near polling stations on election days. The law also prohibits the publication of any pre-election and election surveys starting three days before elections until the end of elections. Political parties standing for election to the Chamber of Deputies may make use of free broadcast time on Czech Television and Czech Radio; time is divided equally among these parties.

### THE ELECTORAL SYSTEM

The electoral system determines how seats (mandates) are divided among the political parties and candidates standing for election. In general, two main electoral systems exist (with various possible modifications) – the majoritarian system and the system of proportional representation. The Constitution of the Czech Republic provides for the majoritarian system (where the one candidate with the greatest number of votes wins the mandate in a given riding) to be used for elections to the Senate. On the other hand, the system of proportional representation is used for elections to the Chamber of Deputies.

### ELECTIONS TO THE CHAMBER OF DEPUTIES

The Chamber of Deputies is composed of 200 Deputies who are elected to a four-year term. The right of a citizen to be elected to the Chamber of Deputies is limited by the age requirement of attaining 21 years of age. The law specifies three main rules for the application of the system of proportional representation to elections to the Chamber of Deputies.

**The election threshold:** this threshold determines the minimum number of votes that a political party must receive in elections in order to be allocated a mandate (mandates) in the Chamber of Deputies. The newest version of the election law

provides the following minimum election thresholds:

5% for a single political party or political movement

10% for a coalition of two political parties or political movements

15% for a coalition of three political parties or political movements

20% for a coalition of four or more political parties or political movements

**The number and size of electoral ridings:** electoral ridings for elections to the Chamber of Deputies are electoral regions, which correspond to the territory of the higher self-governing territorial units that comprise the Czech Republic (i.e. 13 regions and the capital city of Prague). When elections are held, the 200 available mandates are first allocated among the electoral regions on the basis of the number of valid votes that were cast (using the so-called Mandate Number). Subsequently, the mandates that have been allocated to an electoral region are divided proportionally among the political parties, political movements and coalitions that have stood for election in the region and that have passed the election threshold. A conversion system for election results is used.

**The conversion system for election results:** this is an election formula (mathematical formula) which determines the number of mandates that are to be allocated to political parties, political movements and coalitions that have passed the election threshold. The current election law uses the d'Hondt system, which provides for the division of election results of each party by a series of numbers 1, 2, 3 up to  $n$ . Mandates are allocated to the parties based on the size of their respective shares that are achieved by this division.

## PREFERENTIAL VOTES

Once mandates are divided among the political parties, political movements and coalitions in each electoral region, they must be allocated to the individual candidates representing these parties. They are allocated to individual candidates in the order that their names appeared on each party's list of candidates (voters cast their vote for a given party by selecting and submitting the list of candidates of the party, movement or coalition into the ballot box). The order in which individual candidates appear on the list of candidates is determined by each party, movement or coalition and is generally

decided on the basis of primary elections in which party members vote. The election law, however, allows for so-called preferential votes to be cast by voters in elections to the Chamber of Deputies. Each voter may circle up to two candidates on the list of candidates they submit in order to give these candidates a preferential vote. If a candidate receives more than 7% of the total number of votes that have been cast for their party, they are elected to the Chamber of Deputies regardless of their position on the list of candidates. In elections to the Chamber of Deputies in 2002, 4.8 million voters went to the polls and cast 1.9 million preferential votes.



## JUDICIAL REVIEW OF ELECTIONS

The Supreme Administrative Court exercises a judicial review function over elections and decides on applications seeking the nullity of elections and voting. The Constitutional Court decides on applications for the confirmation of the election of a candidate. Any person registered to vote in an electoral district where a Deputy has stood for election and any political party, political movement or coalition that had registered a list of candidates for elections to the Chamber of Deputies in the electoral region may apply to the court to decide on the nullity of the election of a given candidate in the electoral region. Additionally, they may apply to the court to decide on the nullity of elections and voting as a whole, if they consider that the provisions of the Law on elections to the Parliament of the Czech Republic have been violated in a manner that may have had an impact on the election results. Such an application must be made to the Supreme Administrative Court within 10 days of the official announcement of election results by the State Elections Commission.

## ELECTIONS TO THE CHAMBER OF DEPUTIES 2002

Political party, political movement or coalition	Number of votes		Number of mandates	
	<i>absolute</i>	<i>proportionate</i>	<i>absolute</i>	<i>proportionate</i>
ČSSD	1,440.279	30,20 %	70	35,0 %
ODS	1,166.975	24,47 %	58	29,0 %
KSČM	882.653	18,51 %	41	20,5 %
Koalice (KDU-ČSL, US-DEU)	680.671	14,27 %	31	15,5 %
total mandates			200	100,0 %
participation in elections	4,793.706	58,00 %		

## ELECTIONS TO THE CHAMBER OF DEPUTIES

Political party, political movement or coalition	Number of votes		Number of mandates	
	<i>absolute</i>	<i>proportionate</i>	<i>absolute</i>	<i>proportionate</i>
ČSSD	1,928.660	32,31 %	74	37,0 %
ODS	1,656.011	27,74 %	63	31,5 %
KSČM	658.550	11,03 %	24	12,0 %
KDU-ČSL	537.013	9,00 %	20	10,0 %
US	513.596	8,60 %	19	9,5 %
total mandates			200	100,0 %
participation in elections	6,008.926	74,03 %		

## ELECTIONS TO THE CHAMBER OF DEPUTIES 1996

Political party, political movement or coalition	Number of votes		Number of mandates	
	<i>absolute</i>	<i>proportionate</i>	<i>absolute</i>	<i>proportionate</i>
ODS	1,794.560	29,62 %	68	34,0 %
ČSSD	1,602.250	26,44 %	61	30,5 %
KSČM	626.136	10,33 %	22	11,0 %
KDU-ČSL	489.349	8,08 %	18	9,0 %
SPR-RSČ	485.072	8,01 %	18	9,0 %
ODA	385.369	6,36 %	13	6,5 %
total mandates			200	100,0 %
participation in elections	6,105.588	76,41 %		

ČSSD	Czech Social Democratic Party
KDU-ČSL	Christian and Democratic Union – Czechoslovak People's Party
Koalice (KDU-ČSL, US-DEU)	Coalition of Christian and Democratic Union – Czechoslovak People's Party and Freedom Union – Democratic Union
KSČM	Communist Party of Bohemia and Moravia
ODA	Civic Democratic Alliance
ODS	Civic Democratic Party
SPR-RSČ	Assembly of the Republic – Czechoslovak Republican Party
US	Freedom Union