



Laws on Local Government Elections Adopted

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The Czech and the Slovak National Councils recently passed laws regulating the local government elections in November. Both political parties and independent candidates will be allowed to run in the elections. The two republican parliaments have also adopted laws that will serve as a basis for the reorganization of the state administration, replacing the so-called National Committees with local self-governing bodies.

In late November Czechs and Slovaks will have the opportunity to take part in the second free elections since the fall of the communist regime, in November 1989. The elections will determine the composition of local self-governing bodies responsible for managing the affairs of villages, towns, and cities throughout Czechoslovakia over the next four years. Both the local government elections and the system of local self-government will be regulated by new laws recently passed by the Czech and the Slovak National Councils.¹

¹ The Czech National Council adopted the Law on Communities on September 4, 1990 (the full text is published in *Svobodne Slovo*, September 13, 1990, pp. 9 and 10), and the Law on the Local Government Elections on September 5, 1990 (*ibid.*, September 12, 1990, pp. 3 and 4). The Slovak National Council adopted the Law on the Local Government Elections on August 29, 1990 (*Narodna Obroda*, September 11, 1990, pp. 11 and 12; and *ibid.*, September 12, 1990, pp. 12 and 13), and

The two parliaments have also discussed laws serving as a basis for the setting up of a new system of state administration one that will supplement the system of local self-government. At the local level, state administration will be conducted by so-called District Bureaus, which will not only represent the state in areas not under the jurisdiction of local self-governing bodies but, in some cases, will have the right to overrule the decisions of the local self-government agencies. The District Bureaus will replace the district National Committees, the latter having functioned as the agencies of state administration at the district level since 1945. The laws under discussion also foresee the abolition of both the regional National Committees, which have supervised the work of district and local National Committees, and the local National Committees

the Law on Self-Administrative Communities on September 3, 1990 (Radio Czechoslovakia, September 3, 1990, 10:30 P.M.).

themselves, which will be replaced by the agencies of local self-government.²

The Laws on Self-Governing Communities

Although differing in details, the two laws on self-governing communities recently passed by the Czech National Council and the Slovak National Council establish basically the same system of local self-government. The common legal framework had been set up in July, when the Federal Assembly decided that municipalities and rural communities (*obce*) would become the basic units of local self-government and that National Committees would be abolished.³ The laws passed by the National Councils merely specify how these municipalities and rural communities will function. The affairs of some large cities, such as Prague and Bratislava, will be subject to special laws; however, even these cities will be divided into smaller administrative units abiding by the rules that regulate the self-government of municipalities and rural communities. The special laws will mainly determine the division of power between self-governing agencies responsible for an entire city and the district self-governing bodies.

According to the new laws, municipalities and rural communities will be entitled to own property and accumulate assets through a variety of means, including profit-making activities and local taxes. They will also have the right to set up educational, cultural, sports, and health care facilities. Among the duties of the municipalities will be the securing of public order; the collection of garbage; and the maintenance of roads, streets, and the public lighting system. To enable these various tasks to be fulfilled, the municipalities and rural communities will have the right to adopt their own local regulations and ordinances. Furthermore, each self-governing municipality and rural community will have its own budget and will be responsible for its own bookkeeping. The state administration will periodically audit the accounts of municipalities and rural communities to ensure that they correspond to the rules on bookkeeping enumerated in special laws and that they do not violate tax regulations.

The fundamental agency of local self-government in municipalities and rural communities will be the municipal (or communal) assembly (*obecní zastupitelstvo*), consisting of representatives elected in the local government elections. It will have both

legislative and executive powers; but, above all, it will be a policy-making body. The majority of all other local self-governing agencies will be set up by, and subordinated to, this assembly. The assembly itself will be empowered to approve a development program and a budget for its municipality or rural community; to call a local referendum on important issues; and to take decisions on questions that, according to the laws on self-governing communities, fall under the jurisdiction of municipalities or rural communities. All meetings of the municipal assembly will be public and must be held at least once every three months.

In large municipalities, the municipal assembly will set up a municipal council consisting of the mayor, his deputies, and aldermen. In the Czech Republic, the assemblies will elect these officials from among their own ranks at their first meeting. In the Slovak Republic, mayors will be elected directly by voters in the local government elections. The council may have no less than five and no more than thirteen members. It will supervise the economic activities of the municipality and will respond to suggestions made by members of the municipal assembly. It will also be empowered to set up special commissions and departments dealing with specific areas of the municipality's life. The laws stipulate that the council must set up a financial commission and an auditing commission. The council will have the right to issue public ordinances, but these must be approved at the first possible meeting of the municipal assembly. Council meetings will be called by the mayor, who will also sign all documents issued by the council. In those municipalities and rural communities in which the municipal assembly has less than 15 members, no council will be set up.

The day-to-day affairs of the municipality or the rural community will be run by a municipal bureau, which will consist of elected officials (in particular the mayor and his deputies) and nonelected, professional civil servants. The bureau will be headed by the mayor and subordinated to the municipal council. In large municipalities, in which the municipal bureaus will be correspondingly large, the municipal assembly may appoint a secretary, who will supervise all nonelected employees of the bureau and the daily running of the bureau. The secretary will take part in all meetings of both the municipal assembly and the municipal council, but he will not have the right to vote.

If an ordinance adopted by a municipal assembly contravenes laws passed by higher legislative bodies, the District Bureau, another agency of state administration, may suspend that ordinance. The Czech or the Slovak National Council will decide about the validity of the ordinance, should the

² For details of the system of National Committees, see Jan Obrman, "Decentralizing the Government," *Report on Eastern Europe*, no. 31, August 3, 1990. For details of the new system of District Bureaus, see *Radio Czechoslovakia*, August 11, 1990, 4:30 P.M.

³ *Radio Prague*, July 19, 1990, 6:30 P.M.

municipal assembly involved not amend it within 10 days.

Local Government Elections

In the Czech Republic the local government elections will be held on November 24, 1990, and in the Slovak Republic on November 23 and 24, 1990.⁴ Voters in both republics will elect members of municipal assemblies; the number of these members will differ according to the size of the municipality. While assemblies in villages with less than 3,000 inhabitants will not be allowed to have more than 15 members, the municipal assembly of Prague, the largest city in Czechoslovakia, for example, will be composed of as many as 80 elected representatives. Cities will, however, be subdivided into smaller districts, which will also set up municipal assemblies.

All municipalities or rural communities that have more than 1,000 inhabitants will be divided into electoral districts in which the number of eligible voters is not to exceed 1,000. All permanent residents of a particular municipality or a rural community who are over 18 will have the right to vote. Anyone who is eligible to vote is also eligible to be elected to a municipal assembly. In Slovakia, only people over 25 can be elected mayors. The elections will be supervised by local, district, and republican electoral commissions. All political parties and associations of independent candidates running in the elections will have the right to nominate two candidates and two reserve candidates for membership in these electoral commissions.

All registered political parties, or coalitions of political parties, will be able to submit their own lists of candidates for the elections. The number of candidates on each list must not exceed the number of seats available in a particular municipal assembly. Unlike the parliamentary elections in June, the local government elections allow independent candidates to run, either individually or in association with other independent candidates. When independent candidates form an association, their number, once again, must not exceed the number of seats available in the particular municipal assembly.

Unlike registered political parties, independent candidates will have to submit a petition to the appropriate electoral commission showing support for their candidacy. The number of signatures necessary for such a petition ranges from 20 to 400 in the Czech Republic and from 50 to 100 in the Slovak Republic, depending on the size of the municipality. The same holds for independent

candidates in Slovak municipalities who contest the mayorships.

The voting procedure in the Czech Republic will be different from that in the Slovak Republic. In the former, candidates from all political parties, associations of independent candidates, and individual independent candidates will be included on one joint ticket. Voters will be able to vote in three different ways: they may select a list of candidates running under the banner of a particular political party by marking the name of the party; they may select individual candidates, including those who feature on the lists of political parties, by marking their names (the number of candidates they select, however, may not exceed the number of seats available in the municipal assembly); or they may select both individual candidates and a party list. If voters choose the last of these options, they may vote for as many individual candidates as they wish as well as a limited number of candidates on a political party list. That number will represent the difference between the number of individual candidates selected by the voter and the number of seats available in the particular municipal assembly. Since candidates on the lists submitted by political parties will be listed in an order chosen by the parties concerned, the candidates listed higher on the list will be chosen. For example, if twenty seats are available in a particular municipal assembly and the voter marks the names of eighteen individual candidates and a list submitted by a political party, only the first two candidates on that list will be considered to have been selected by the voter.

In the Slovak Republic, voters will receive two ballot papers. One will list all candidates for any one municipal assembly, with either their political affiliation or independent status indicated in parenthesis after their name; the other will include the names of all candidates for the post of mayor, likewise indicating the candidate's political affiliation. On the first ballot sheet, the voter will be required simply to mark the names of the candidates for whom he wishes to vote; but the number of names he marks must not exceed the number of seats available in the municipal assembly concerned. When voting for the mayor, voters will be required to mark the name of only one candidate.

In both the Czech and the Slovak Republics, those candidates who receive the highest number of votes will be elected. For example, if there are 20 seats to be filled in a municipal assembly, they will be filled by the 20 most successful candidates. These candidates may come from both the lists of independent candidates and those of parties. To be elected, candidates do not need to pass any thresholds, such as a minimal percentage of the popular vote received; no cut-off levels have been

⁴ CTK, September 6, 1990.

set by the laws. Neither do the electoral laws require any minimum participation of voters in relation to the overall size of the eligible electorate in a given community. Low voter turnout is not recognized as a reason for repeating the elections.

All lists must be submitted at least 55 days before the elections. The election campaign in the Czech Republic will start 25 days before the elections and end 48 hours before voting begins; that in the Slovak Republic will start 30 days in advance of the elections and end 48 hours before voting. During the election campaign political parties, associations of independent candidates, and individual candidates will have equal access to the media and billboards in their local area. All voters must receive ballot papers at least three days before the elections so that they are able to study them. The marking of candidates' names must take place within the polling booths.

Assessment

The laws adopted for the local government elections place much more emphasis on the candidates' personalities than the regulations for the parliamentary elections in June. Furthermore, they do not discriminate against parties that have small memberships. Only those parties able to prove that they had more than 10,000 members were allowed

to run in the June elections, and parties that gained less than 5% of the vote did not qualify for parliamentary representation.

Although many voters in the Czech Republic will undoubtedly make use of the opportunity to select simply a party list, and although many voters in Slovakia will also select candidates according to their party affiliation, independent candidates are likely to play an important role, especially in small communities in which people know one another. In towns and cities, where voters will often not know the candidates personally, the voters will probably be inclined to select a party list.

Particularly in small communities, in which party affiliation will not be as important as in towns and cities, the elections are likely to produce municipal assemblies that do not reflect the real strength of some political forces in Czechoslovakia. In fact, many assemblies are likely to be politically rather heterogeneous. Whatever the composition of the various municipal assemblies, however, the most important fact is that for the first time since World War II, villages, towns, and cities in Czechoslovakia will be run by freely elected, representative bodies that will have a large degree of independence in managing the affairs of their communities.

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