

Conditions for Candidacy in the European Parliament Elections in the Czech Republic

The European Parliament elections in the Czech Republic shall be governed by the Act No. 62/2003 Coll., on the European Parliament elections and on amendment of selected other laws, as amended (hereinafter only the "Act").

- **When will the Czech Republic hold the European Parliament elections?**
Section 3 of the Act)

The European Parliament elections in the Czech Republic shall be held on May 24th to 25th, 2019. On Friday, May 24th, 2019 the polling stations will be open from 2^{PM} to 10^{PM}. On Saturday, May 25th, 2019, the polling stations will be open from 8^{AM} to 2^{AM}.

- **Who can stand as a candidate in the European Parliament elections in the Czech Republic?** (Section 6 of the Act)

Any citizen of the Czech Republic, as well as any citizen of another EU member state, can be elected a Member of the European Parliament for the Czech Republic, provided they:

- have reached the age of 21 by the second day of elections, and
- enjoy full legal capacity to vote,

citizens of other EU member states shall also fulfil the following conditions:

- having the right to be elected in the EU member state they are a citizen of, and
- having been registered for at least 45 days, as of the second day of the elections, as a permanent or temporary resident in the Czech Republic (i.e. at least from April 10th, 2019).

- **Who can submit candidate lists?** (Section 21 of the Act)

Candidate lists for the purposes of the European Parliament elections in the Czech Republic may be submitted by both political parties and political movements, as well as their coalitions, the activities of which have not been suspended and which are registered by the Ministry of the Interior in line with Act No. 424/1991 Coll., on Association in political parties and political movements, as amended. A candidate list submitted by a coalition shall be understood as a list, which is unequivocally put forward by all political parties and political movements standing together for the candidacy on a coalition candidate list. The political parties and political movements standing together for the candidacy shall disclose the members of the coalition and state the name of the coalition.

A political party, political movement, or a coalition may file only one candidate list.

A political party or a political movement, which submits a candidate list individually, may not be part of a coalition.

A political party or political movement may be a part of one coalition only. A candidate can only stand for the elections on a single candidate list.

Political parties, political movements, or coalitions may put forward as candidates on their candidate lists individuals who are members of another political party or political movement or have no political affiliation.

Czech citizens, as well as citizens of other EU member states, who are not members of a political party or a political movement can also stand as candidates.

- **When, where, and how to submit candidate lists? (Section 21 (3) of the Act)**

The candidate list shall be submitted by the representative of the respective political party, political movement or coalition no later than 66 days prior to the election day, i.e. no later than 4 PM on **March 19th, 2019**, to the Ministry of the Interior (náměstí Hrdinů 4, Prague 4).

New candidates may be added to the candidate lists and the order of candidates on candidate lists may be changed until 60 days prior to the election day, i.e. by 4^{PM} on March 25th, 2019.

- **What are the required properties candidate lists? (Section 22(1) of the Act)**

The candidate list shall include:

- a) the name of the respective political party, political movement, and/or coalition (and its composition),
- b) for each candidate: name and surname, date of birth, gender, and occupation (it is up to the candidates to put forward their occupation, but they should refrain from listing activities, which are obviously not an occupation but simply an interest or a hobby), municipality where they reside permanently (as regards citizens of other EU member states, state the municipality, where the candidate resides), name of the political party or the political movement the candidate is a member of, or, for candidates without any political affiliation, state 'without political affiliation'.
- c) an Arabic number indicating the position of the candidate on the candidate list,
- d) name and surname of the representative of the respective political party, political movement, or coalition, the place of their permanent residence (should the representative be a citizen of another EU member state, state the municipality, where they reside); it is recommended that the representative puts forward their address, telephone number and Email address in case the authorities need to contact them); should there be a replacement representative appointed, please list all of the above details for them as well,
- e) for coalition candidate lists: the name of political party or political movement which proposed the candidate,
- f) signature of the representative of the respective political party, political movement, or coalition,
- g) name, surname, position, and signature of the person empowered to act on behalf of the respective political party or political movement; for a coalition: names, surnames, positions, and signatures of persons empowered to act on behalf of political parties or political movements which are members of such coalition.

A candidate list shall not include more than **28** candidates.

- **Which are the compulsory appendices to the candidate list? (Section 21(4), Section 22 (2) and (3) of the Act)**

- a confirmation that the compulsory contribution of CZK 19,000 has been deposited to the dedicated account established by the Ministry of the Interior at the Czech National Bank. The Ministry of the Interior shall open such account no later than March 13rd, 2019. The account number shall be subsequently posted at the Ministry of the Interior's official board at the seat of the State Electoral Committee

(Státní volební komise, náměstí Hrdinů 3, Prague 4) as well as on the Ministry's Website: www.mvcr.cz, under *Volby (Elections)* and *Volby do Evropského parlamentu (European Parliament Elections)*.

- a document proving the citizenship of the candidate,
 - candidates – citizens of the Czech Republic – shall prove their Czech citizenship using the following documents:
 - a) an identification document issued in their name by the Czech Republic,
 - b) a passport of a citizen issued in their name by the Czech Republic,
 - c) a certificate of citizenship no older than one year,
 - d) a certificate of acquisition of the Czech citizenship or naturalisation (no older than one year); Candidates may also come in person to the Ministry of the Interior –the registering authority of the candidate lists - and present their personal ID or passport, which will then be, upon their consent, photocopied and all required facts duly certified.
 - candidates who are citizens of another EU member state shall present as a certificate of their citizenship a document which is accepted by their home country as a document proving citizenship, which shall be, for the purpose of its use in the Czech Republic, certified, unless stipulated otherwise by an international instrument the Czech Republic is bound by, and translated into the Czech language and duly certified as a court sworn translation by a court-sworn translator; Candidates may also come in person to the Ministry of the Interior – the registering authority of the candidate lists - and present their identity card or travel document, which will then be, upon their consent, photocopied and all required facts duly certified.
- a declaration of the candidate, duly signed, in which the candidate declares their acceptance of the candidacy and stipulates that they are not aware of any obstacles to their election, or that any such obstacles would be removed before the election day and that they did not consent to be placed on another candidate list for the European Parliament elections in the country where they live, or in any other EU member state. In the declaration, the candidate shall state their place of permanent residency. Citizens of other EU member states shall state their place of residency and date of birth; the declaration shall be made in the following languages: Czech, English, French, or German,
- a candidate who is a citizen of another EU member state than the Czech Republic, shall also state in the declaration their place of birth and the last address of residence in their home country. Such candidate shall also declare not to have their right to be elected withdrawn in their country of origin by a court decision or an administrative decision.

See Attachment No. 1 to the Regulation No. 409/2003 Coll., on the implementation of Act No. 62/2003 Coll., on the European Parliament elections and on amendment of elected other laws, as amended for specimen of the European Parliament elections candidate list and the declaration of a candidate for citizens of the Czech Republic, as well as that for citizens of other EU member states.

- **Review and registration of candidate lists (Section 23 of the Act)**

On March 19th to 25th, 2019, i.e. 66 to 60 days prior to the election day, the Ministry of the Interior shall review all candidate lists submitted. Should a candidate list not be submitted in the given framework, should it fail to meet all the above requirements, or should it contain incorrect data, the Ministry shall invite, no later than 58 days prior to the commencement of the elections (i.e. no later than March 27th, 2019), the respective political party, political movement,

or coalition, via their representative, to remove such faults no later than 50 days prior to the commencement of the elections (i.e. no later than April 4th, 2019). Faults may also be removed by the appointed representative without invitation from the Ministry of the Interior.

The Ministry of the Interior shall, no later than 48 days prior to the election day (i.e. April 6th, 2019) make a decision on a:

- Registration of candidate lists which meet all statutory requirements.
- Removal of a candidate from a list of candidates should the respective political party, political movement, or coalition fail to remove deficiencies concerning the said candidate or should it receive from the candidate's member state of origin an information that such candidate had been deprived of their right to be elected.
- Refusal of candidate lists which were not submitted in keeping with law or fail to meet all statutory requirements and which were not corrected after invitation for the correction of faults, or after deletion of a candidate from the list.

Decisions of the Ministry of the Interior shall be served to subjects which have the capacity to appeal against such decisions in court. At the same time, such decisions shall be made public in a way allowing remote access (at the official website of the Ministry of the Interior, www.mvcr.cz, under *Volby /Elections* and *Volby do Evropského parlamentu/European Parliament Elections*) and posted at the Ministry of the Interior's official notice board at the seat of the State Electoral Committee (Státní volební komise, náměstí Hrdinů 3, Prague 4), bearing the date of posting. The decision shall be considered as officially served on the third day after having been posted.

The political party, political movement, or coalition concerned may appeal against the decision on refusing their candidate list, or on deletion of a candidate from their candidate list. The deletion of a candidate from a candidate list can be also appealed against by the candidate. Other political parties, political movements, or coalitions may appeal against the decision on registering a candidate list and ask for an annulment of such registration. Such motion can be sought within two days after the service of the decision. The responsible authority shall be the Supreme Administrative Court.

Ministry of the Interior shall, based on the respective court decision, register a candidate list even after the above deadline, but no longer than 20 days prior to the election day (i.e. no later than May 4th, 2019).

• **Can candidates withdraw their candidacy or resign? If so, how and when?**
(Section 24 of the Act)

Candidates may withdraw their candidacy by means of a written declaration, submitted to the Ministry of the Interior no later than 48 hours prior to commencement of elections (i.e. 2 PM on May 22nd, 2019). A representative of a political party, political movement, or coalition may use the same procedure to withdraw candidacy of the body they represent. Such declarations cannot be withdrawn.

• **What is the election campaign and how long does it take (Section 59 of the Act).**

Election campaign means any promotion of a political party, political movement or coalition standing for the elections or their candidate or propaganda in favour of a political party, political movement or coalition standing for the elections or their candidate, in particular in a form of a public declaration in their support or to their benefit, including any additional activities which are paid for or commonly paid for. Declarations to the detriment of other political parties, political movements or coalitions standing for the elections or their candidates shall be also considered an election campaign.

Election campaign pursuant to this Act commences on the day of announcement of the

European Parliamentary Elections and ends on the day of publication of the final results of the European Parliamentary Elections.

- **What is the election account and when is it to be opened (Sections 59a and 59d of the Act).**

Each political party, political movement or coalition standing for the elections shall be obliged to open an account (no later than 5 days from the day when the authorities had announced the elections) allowing free and continuous access of third parties should they wish to see transactions on this account (hereinafter only the "election account").

The election account must be kept with a bank, savings bank, a credit cooperative or a foreign bank having their branch on the territory of the Czech Republic.

Political parties, political movements, and coalitions standing for elections shall make sure that access to the election account be published on their website for the period of existence of such account pursuant to Section 59a by ways allowing remote access.

Campaign financing falls under responsibility of the Office for supervision of economic affairs of political parties and political movements. For further information, see: <http://udhpsh.cz>.