

Abstract - Elections to Municipal Councils in the Czech Republic

The topic of my Master's degree thesis are the elections to municipal councils in the Czech Republic. I chose this topic mainly because these elections receive considerably less attention of professional literature and the media than other kinds of elections, particularly the elections to the Chamber of Deputies. It is so, although the decisions made by the municipal councils often have the biggest impact on the lives of ordinary people. Also this year, there were some interesting cases related to the elections to municipal councils that the Constitutional Court had to decide and that only made my interest greater.

The aim of this thesis is to give a complex description of the legislation concerning the elections to municipal councils, to try to give some evaluation of this legislation and to suggest some possible changes to this legislation.

This thesis consists of introduction, eight chapters and conclusion and its structure is essentially based on the structure of the Act No. 491/2001 Sb., on Elections to Representative Bodies of Municipalities and on Amendments to Certain Other Laws as amended.

The introduction pursues the reasons why the elections to municipal councils receive such relatively small attention and the problems which the legislator must struggle with while creating a legislation for these elections. It also enlightens why I chose this particular topic of the Master's degree thesis, outlines its structure and sets some of its aims.

Chapter one deals with the constitutional framework of the elections to municipal councils, it focuses on article 102 of the Constitution of the Czech Republic and on an analysis of electoral principles, which that article contains.

Chapter two deals mainly with the basic characteristics of the electoral system but it also enlightens when and by whom these elections are called

Chapter three focuses on the active and passive electoral right and the obstacles of exercise of the active electoral right in the elections to municipal councils and compares them with the electoral right and with these obstacles in other types of elections.

Chapter four has a somewhat broader focus. It focuses on different terms related

to the elections to municipal councils. The terms include the number of members of municipal councils, electoral authorities, lists of candidates, electoral parties, ballots, electoral precincts, electoral constituencies, registers of voters and electoral campaign. In my opinion, due to recent events, the most interesting part of this chapter is the subchapter which deals with electoral constituencies.

Chapter five deals with voting itself, it explains its course, the way the voter votes and the impact of his voting on the electoral results. A big part of this chapter focuses on evaluation of this part of legislation from the *de lege ferenda* viewpoint.

Chapter six then briefly mentions the creation and termination of the mandate of a member of a municipal council and also what happens, if the mandate is really vacated.

Chapter seven deals with extraordinary elections, their individual types and situations in which these elections take place.

Chapter eight tries to briefly enlighten the judicial review of the elections to municipal councils, mentions some unclarities concerning this review and also explains individual methods of protection which this judicial review allows.

The conclusion then summarizes briefly the problems of legislation concerning the elections to municipal councils.