

**A DEVELOPMENT ASSOCIATES OCCASIONAL PAPER IN
DEMOCRACY AND GOVERNANCE**

NUMBER TWELVE IN THE SERIES

**PRESIDENTIAL ELECTION LAWS IN SELECTED EUROPEAN COUNTRIES:
A CROSS-NATIONAL COMPARISON¹**

BY ERIK S. HERRON, PhD

Assistant Professor of Political Science, University of Kansas

In presidential and semi-presidential systems, the selection of the chief executive is the most critical decision made by the voters. For the will of the voting population to be properly expressed, a consistent and clear statutory framework must be developed. Further, these rules must be properly and impartially administered. This report is intended to provide insight into the variation in practices of selected post-communist and other states that directly elect a president.

The report is divided into three parts. Part I briefly assesses international practices and issues in presidential elections. Part II addresses electoral governance. Part III directly compares election regulations in four categories: barriers to entry, campaign regulations, translation of votes into election results, and oversight and adjudication. The analysis focuses on five post-communist states (Bulgaria, Lithuania, Poland, Romania and Slovakia) and France.

* * *

PRESIDENTIAL ELECTIONS

A recent study identified 91 countries that directly elect presidents (Blais, Massicotte and Dobrzynska 1997). Six Western European states (Austria, France, Finland, Iceland, Ireland and Portugal) as well as most post-communist states directly elect presidents. Among the countries that popularly elect a president, 20 use a plurality formula, 61 use some type of majority formula and 10 use other rules. Forty-nine countries, including Ukraine, employ a

¹ This paper was originally prepared for a seminar in Kyiv, Ukraine, organized by Development Associates and funded by USAID/Ukraine's Elections and Political Processes Project. The views of the author are his own and do not necessarily represent those of USAID or of Development Associates.

majority-runoff system. The majority-runoff system requires a majority vote for a candidate to win in the first round. If no candidate gains a majority, a second round contest is held between the top two candidates from the first round.

Majority-runoff systems have certain advantages when compared with other presidential election rules. They require the winner to gain the support of more than half of the voters, providing the winner a clear mandate to govern. They decrease the likelihood that extremist politicians will accede to power (witness, for example, the French presidential elections of 2002). Majority-runoff rules also encourage voters to express sincere preferences in the first round. By creating two rounds of competition, however, majority-runoff systems introduce some inefficiencies. Marginal candidates have an incentive to participate in the first round to potentially extract benefits from the top candidates in the second round (e.g., Aleksandr Lebed in Russia's 1996 elections). These systems, particularly when combined with permissive parliamentary election rules (like Ukraine's mixed electoral system), further encourage many parties/candidates to participate. Majority runoff systems also create organizational problems for candidates who must encourage voters to participate in two rounds of elections. Moreover, they are, obviously, more costly to administer than contests that take place in a single round.

The scholarly literature on elections tends to focus on how election rules and sociological conditions affect the number of parties and candidates that participate. The number of parties is considered to be a crucial measure of the concentration or diffusion of power and the stability or fragmentation of the party system. Extreme forms of multiparty competition are often viewed as incompatible with stable presidential government, because they can undermine effective governance. In addition, the interaction between institutional features is often considered to be critical; while the provisions in a presidential election law are important, their full effects can only be understood in the context of other institutional arrangements. The "worst case scenario" from the perspective of electoral engineering includes: majority-runoff electoral rules for president; non-concurrent presidential and parliamentary elections; proportional representation with high district magnitude for the legislature; and federalism (Jones 1995). In combination, these rules provide powerful institutional incentives for high levels of multiparty competition and reduce the likelihood of policymaking coherence.

ELECTORAL GOVERNANCE

In this paper, I emphasize four categories of rules that affect election administration: barriers to entry, campaign regulations, the translation of votes into election results, and control and oversight.

Barriers to entry, or the rules that govern entrance into the electoral arena, influence who participates and how they participate in elections. They include provisions that control how organizations may become officially recognized political parties. Requirements for registration may include submission of party documents (platform, rules, etc.), membership requirements (number and geographic distribution), financial requirements (disclosure of assets and payment of registration fees), or other provisions that require a group to reveal its personnel and technical or material resources. Barriers to entry also include requirements to participate in the elections and gain ballot access. Candidates and parties are often required to demonstrate some level of electoral support (by collecting signatures) or financial backing (paying a fee or deposit for participation).

Campaign activities may also be subject to controls. The election calendar may be controlled (with specific limits on when campaigning may begin and must end). Forms of campaigning (solicitation by mail, phone or in person; television, radio or print advertising; or other methods to convince voters) may be regulated. Rules may require candidates or parties to be allocated free advertising time or space in the media, or may obligate the media to provide equal time to candidates in news coverage. Campaign finance regulations may require candidates and parties to disclose personal information and limit the amount and types of funds to be used in elections.

Rules governing the **translation of votes into election results** are widely regarded as important influences on the behavior of political actors. The electoral formula, district magnitude, ballot structure and thresholds exert well-known effects on the number of political parties and candidates (Lijphart 1994; Cox 1997).

Control and oversight may also influence parties and candidates. Election administration is generally overseen by electoral commissions. These commissions determine who can run and who should be removed from the ballot. Membership on electoral commissions can be partisan, non-partisan or mixed. Commissions can be seated at the national level, local level or both.

Statutory guidelines versus implementation. While many states have developed an adequate legal framework for the conduct of free and fair elections, implementation often falls short of the ideals expressed in the statutes. The undue influence of powerful individuals and groups over the process of election administration can undermine the intent of the most carefully crafted legislation. Thus, in addition to improving the legislative foundation of elections, the development of certain other aspects should also be encouraged, including: a vibrant civil society (especially non-governmental organizations that promote government accountability), an independent judiciary capable of rendering decisions without external influences, links between political parties, legislators and voters, a well trained cadre of precinct workers and administrators, an independent media that carefully distinguishes between news items and partisan advocacy, and the reduction of formal and informal corruption (buying votes, tactics to threaten or manipulate voters, etc.).

COMPARISON OF ELECTION PROVISIONS

In this section, I compare barriers to entry, campaign regulations, the translation of votes into election results and oversight in six states. I have selected five post-communist states and France. All six countries employ a semi-presidential system that includes a popularly elected president and a prime minister who is responsible to parliament. This division of authority contrasts with the pure presidential systems commonly found in the United States and South America. The five post-communist states have experienced problems of transition from communist rule similar to those Ukraine has encountered, but these states have made further progress in democratization and the development of the rule of law. Also, these countries use majority-runoff rules for election of the president, so their election provisions should be readily comparable to Ukraine's.

Table 1 compares Freedom House scores for post-communist states, assessing the development of democratic institutions and a legal framework supporting democracy. Ukraine received a 4.69 in democratization and a 5.38 in rule of law in the 2002 *Nations in Transit*

survey. Romania and Bulgaria performed slightly better than Ukraine; Lithuania, Poland and Slovakia were substantially better. France was also selected for comparison, because it is the archetypal semi-presidential system. Also, France regularly receives Freedom House's highest score in political rights (a category that focuses on elections).¹

Tables 2-5 compare several features of election laws in the six countries. Blank entries indicate that the election law does not provide detailed information about the subject. The notes at the end of the report provide greater detail about the provisions; they are succinctly summarized in the table.

Table 2 focuses on the requirements to nominate candidates or gain access to the ballot. Voters organized into formal nomination groups (terminology varies from country to country) generally have the rights to nominate candidates for the presidency. Signatures and/or deposits are often required. Bulgaria distinguishes between the responsibilities for voter groups and parties; only voter groups are required to obtain signatures for nomination. Formally recognized parties may nominate candidates without obtaining signatures in Bulgaria. Political parties are not universally given the ability to nominate candidates, however. Poland's legislation only provides for nomination by voter groups; official nomination by political parties is not incorporated into the statute.

France's provisions diverge from other states' rules regarding nomination. For a candidate to gain ballot access, he or she must obtain signatures from 500 elected officials. Thirty of these officials must be from the overseas departments of France.

Some statutes regulate the timing of nominations, ranging from 30 to 65 days before the election. The number of signatures required ranges from 15,000 to 100,000 or from 0.2% to 0.5% of the population. Correcting for population size, Lithuania has the highest signature burden, followed by Romania, Poland and Bulgaria. Deposits are required in two cases, but these are returned if the candidate receives at least 1% of the vote (Bulgaria) or when the signatures are verified (Lithuania). Once again, France requires signatures, but from a special category of citizens.

Candidates may be removed from the ballot, generally due to improper registration. Some legislation also comments on removal due to death or inability to participate in one of the rounds of the election. Appeals are often directed to the nation's highest court, although lower level courts hear appeals under some circumstances.

Table 3 identifies campaign activities that are regulated. Statutes are consistent in their allocation of media time to candidates, although they do not contain mechanisms to ensure that equal time provisions are appropriately implemented. All states in the report formally allocate time to candidates participating in the elections and many distinguish between free and fee-based media time. These provisions not only include promises for equal media access, but three countries provide candidates an opportunity to challenge false or compromising material presented in the media. The legislation is unclear regarding what constitutes material that would justify a response, however. Thus, this protection may be formally provided, but difficult to enforce.

The legislation generally comments on the maximum amount that may be spent on a campaign and the permissible sources of income. Poland includes an additional provision for auditing financial reports. Groups that sponsor candidates must submit a final election report that includes an auditor's report. The National Election Committee also assigns an auditor to the account. Excess spending is subject to fines that are donated to charity.

Table 4 outlines provisions for the processing and translation of votes into election outcomes. Voter lists are generally compiled by local authorities, although Lithuania relies on its population registry. The Lithuanian Population Register is a centrally coordinated database of information about all citizens. Voter lists are typically made available at precincts for review and correction at least two weeks or more before the elections. The laws provide guidelines on the number of voters assigned to polling stations and provisions for special precincts in hospitals, elder care facilities, prisons, etc. In all cases, election results are determined through a majority-runoff formula. Only Lithuania's version of the majority runoff system deviates from standard practices.

Table 5 compares oversight and dispute adjudication provisions. Electoral commissions in all states are divided into national and local entities. Membership on commissions is allocated to parties or groups sponsoring candidates, although both local and national commissions in some states include non-partisan members with higher legal education. For example, Poland's constituency commission is selected by the National Election Commission and includes five judges (Art. 15, 2).

CONCLUSION

The six laws reviewed above are quite similar in their general provisions, although they diverge slightly on the specifics.

Signature requirements in five of the six countries of this study did not include a regional distribution. Ukraine has a higher signature requirement (when corrected for population size) and also requires a substantial number of signatures to be distributed across the regions of Ukraine. While France mandates that 6% of the signatures come from elected officials overseas, this is less burdensome than Ukraine's requirement.

All of the states formally provide access to the mass media. But, it is imperative that notions of equal access/equal time be clearly defined. As noted above, strong statutory guarantees of a fair playing field may be undermined by inadequate implementation. Further, proper procedures for identifying, prosecuting and punishing those responsible for interfering with the voting process may improve election law implementation (Lithuania includes such a provision in Art. 40, 1).

Problems with voter lists have been noted in post-communist elections, including those in Ukraine. Voters that should be removed (i.e., deceased voters) are often retained, and voter lists are not always available in a timely manner. Preparing voter lists early and providing for public inspection (perhaps incorporating technology, as does the website of Ukraine's Central Election Commission) would reduce the likelihood of errors or corrupt practices.

There is variation among the six countries in provisions for absentee voters and disabled voters. While Ukraine's mobile ballot box is designed to ensure that voters do not lose their right to vote because they are unable to come to the polls, the mobile ballot box is a potential source for abuse. Further, voters in special precincts such as hospitals, prisons and military units are more likely to be victimized by improper pressure to support particular candidates/parties. It is important to develop enforceable safeguards for vulnerable voters.

Increasing the presence of professionals with legal education could improve election processes. Lithuania and Poland make specific use of lawyers and judges at different levels of election administration. France has magistrates involved in counting the votes at the Department level. Just as earlier versions of Ukraine's presidential election law require the "highest legal education" for some CEC members, this requirement could be extended to lower level commissions.

While election laws sometimes include provisions for election observation by international monitors and the media, it may be useful to also incorporate non-governmental organizations in the observation process. Groups like the Committee of Voters of Ukraine have been active in efforts to improve election processes. Formalizing the role of civil society in the election process may improve election administration.

To conclude, the practices of the six states in this report provide some guidance in developing strong statutory guidelines for states reviewing their election laws. But, it is also critical to evaluate how the presidential election law interacts with other existing statutes and practices, and how implementation of existing statutes can be improved.

Dr. Herron is an assistant professor of political science at the University of Kansas. His research focuses on elections and political parties in post-communist states. He can be contacted at eherron@ku.edu

Development Associates' Occasional Papers are issued periodically as a means of disseminating more widely the results of research by specialists associated with the firm's Democracy and Governance Center. The papers issued to date are:

- No. 1: *"Facilitating Community Development Through Local Government Collaboration with NGOs,"* by Earl Mathers (July 1998).
- No. 2: *"Military Elites and the Polity in Arab States,"* by Robert Springborg (September 1998).
- No. 3: *"Guatemala: Why Strengthen Civil Society?"* by Mitchell Seligson (January 1999).
- No. 4: *"Hariri's Lebanon: Singapore of the Middle East or Sanaa of the Levant?"* by Guilain Denoeux and Robert Springborg (January 2000).
- No. 5: *"Participatory Strategic Planning in Local Government: Increasing the Involvement of Deliberative Bodies and Stakeholders,"* by Earl Mathers (March 2000).
- No. 6: *"Democracy in Latin America: Problems and Prospects,"* by George F. Jones (May 2000).

- No. 7: "Case Studies in Community Participation," by William Sommers (November 2000).
- No. 8: "Options for Change: The Parliamentary Electoral System in Ukraine," by Sarah Birch (May 2001).
- No. 9: "Aspects of Comparative Electoral System Design: Europe, East and West," by Sarah Birch (July 2001).
- No. 10: "The Zambian Elections of December 27, 2001," by Jerry Henderson (April 2002).
- No. 11: "NGOs: Linking Funding and Results," by Thomas J. Cook (May 2002).
- No.12: "Presidential Election Laws in Selected European Countries: A Cross-National Comparison," by Erik S. Herron (October 2002)

Development Associates' Occasional Papers are available without charge by writing the firm, 1730 North Lynn Street, Arlington, Virginia 22209-2023, by calling (703) 276-0677, or by downloading them from our website at www.devassoc1.com, which provides additional information about Development Associates and its work.

Table 1: Freedom House Scores for Post-Communist States (2002)

Note: A score of "1" is the best; "7" is the worst

Country	FH Democratization	FH Rule of Law
Albania	3.94	4.88
Armenia	4.56	5.38
Azerbaijan	5.44	5.75
Belarus	6.56	6.00
Bosnia-Herzegovina	4.56	5.38
Bulgaria	3.00	4.00
Croatia	3.25	4.13
Czech Republic	2.13	3.13
Estonia	1.94	2.13
Georgia	4.44	4.88
Hungary	1.94	2.50
Kazakhstan	5.88	6.13
Kyrgyzstan	5.38	5.63
Latvia	1.94	2.88
Lithuania	1.88	2.88
Macedonia	4.13	5.13
Moldova	4.19	5.13
Poland	1.50	1.88
Romania	3.31	4.50
Russia	4.81	5.38
Slovakia	1.94	2.63
Slovenia	1.81	1.88
Tajikistan	5.50	5.88
Turkmenistan	6.94	6.63
Ukraine	4.69	5.38
Uzbekistan	6.56	6.25
Yugoslavia	3.63	4.75

Source: <http://www.freedomhouse.org>

Table 2: Barriers to Entry for Candidates

	NOMINATION AND BALLOT ACCESS				<i>Removal of Candidate</i>		
	Individual/ Voter Groups	Party	Timing	Signatures	Deposit	Timing	Appeal?
Bulgaria	Yes (Art. 3, 1) ²	Yes (Art. 3, 1)	No less than 35 days before the election (Art. 5, 2)	15,000 for voter groups	250,000 leva ³	If there is "inconsistency" with the Constitution or law, a candidate may be removed (Art. 7, 1)	Yes, to the Supreme Court within 3 days (Art. 7, 2)
Lithuania	Yes (Art.31, 1)	Yes (Art. 31, 2)	Between 80 and 65 days before the election (Art 32, 1)	20,000	5 times the monthly average wage (Art. 32, 2) ⁴	Within 3 days (Art 32, 3)	Yes, to Higher Administrative Tribunal (Art 32, 3). After the elections, the Constitutional Court evaluates claims against the CEC (Art. 72, 4)
Poland	Yes (Art. 40) ⁵	No	No less than 45 days before the election (Art. 40)	100,000 ⁶		Within 3 days (Art. 40 d)	Yes, to the Supreme Court (Art. 40 d)
Romania	Yes (Art. 3, 1)	Yes (Art. 3, 1)	No less than 30 days before the election (Art. 9, 1)	100,000 (Art. 3, 2)		Within 24 hours (Art. 11)	Until 20 days before the election, appeals may be made to the Constitutional Court. The CC will issue a decision within 24 hours (Art. 11, 1-2)
Slovakia	Yes ⁷	Yes ¹³				Within 7 days (Art. 11) ⁸	Appeals may be made to the Supreme Court within 3 days (Art. 11, 3)
France			By midnight, 19 days before the election.	500 signatures of elected officials ⁹		Constitutional Council reviews nomination. If accepted, the candidate cannot be removed from the ballot.	

Table 3: Campaign Regulations

	Campaigning		Finance
	TV/Radio Access	Election Activities	
Bulgaria	Time allotted to candidates on national TV and radio. ¹⁰		A maximum of 2,000,000 levs spent; 50,000 lev limit on contributions. 50% of allocated funds for elections given to candidates associated with parliamentary parties. Others may receive interest free loans. Also, contributions are limited to Bulgarian citizens (Art. 12).
Lithuania	Equal access to the media (Art. 37, 1)	Time must be allocated by the media to respond to "compromising material." Formal campaigning must end 30 hours before the polls open. ¹¹	Based on state funds, parties, political organizations and candidates and placed in special accounts in the Savings Bank of Lithuania. Candidates must furnish an election report to the media within 30 days after the election (Art. 44).
Poland	Time allotted to candidates on national TV and radio. ¹²	Material with false information may be challenged in court. Formal campaigning must end 24 hours before the polls open. Other campaign restrictions also present. ¹³	Finances are public (Art. 84). Maximum of 12 million zlotys (Art. 84 d). Maximum donation is 15 times the minimum monthly wage for an individual and 100 times for others (Art 85). Committees submit a final election report that includes an auditor's report. In addition, campaign finance is audited by an auditor appointed by the NEC (Art. 87 g). Excess funds are donated to charity (Art 87g). ¹⁴
Romania	Equal access that is free (Art. 16)		
Slovakia	Time allotted to candidates on national TV and radio. ¹⁵	Time must be allocated by the media to respond to "false and misrepresenting information." Other campaign restrictions also present. ¹⁶	Max - 4 million crowns may be spent (Art. 17). Donations may only come from Slovak organizations or citizens (Art. 18). Candidates must provide a report of gifts and donations received and the amount spent on the campaign within 30 days after the election (Art. 19).
France	Equal access that is free. ¹⁷	Campaign begins when the candidate list is published. It ends on Friday before the election at midnight.	Financial reports and receipts are reviewed by the Constitutional Council. May be reimbursed for 1/20 of the maximum allowable expenditures.

Table 4: Translation of Votes into Election Results

	Voter Lists	Absentee	Ballot Structure	Polling Stations	Vote Aggregation
	How Compiled/Checked?		Order and Information		
Bulgaria	Local administration compiles. Voters may not be added on election day. ¹⁸	Obtain permission signed by local official to vote in another precinct. ¹⁹	Determined by lottery (Art. 6, 4 and Art. 9, 1) Names, party/coalition name or nomination committee appear on the ballot (Art. 9, 2-3).	Maximum of 1,000 voters, Minimum of 500. ²⁰	Majority-runoff (Art. 15)
Lithuania	Based on Population Registry. Lists available for public inspection 20 days before the election (Art. 26, 1).	Provisions to vote by mail (Art. 64, 1)	Alphabetical order. Name of candidate appears on the ballot (Art. 46)	Instructions given for voting in special polling stations (i.e., medical facilities) (Art 58)	Majority-runoff. If there is 50% turnout, standard M-R rules apply. If turnout is under 50%, the winning candidate requires only 33%.
Poland	Local administration compiles. Lists available for public inspection 14 days before the election. ²¹	May vote in another precinct if request made 10 days before the election. ²²	Alphabetical order (Art. 47)	Precincts established by Act on Elections to Communal Councils. ²³	Majority-runoff; Second round in 14 days (Art 8 b)
Romania	CEC oversees voter lists (Art. 5, a)				Majority-runoff. Second round in two weeks (Art. 26).
Slovakia	Municipality prepares the voter lists (Art. 4, 1)	Voters may receive voter cards that allow them to vote in another precinct (Art. 5, 1; 21, 7)	Alphabetical order (Art. 13, 1) Name, title, age, occupation and residency appear on the ballot (Art. 13, 1)	Precincts should have about 1,000 voters, but no fewer than 50. ²⁴	Majority-runoff
France	Specified for overseas territories.		Name of candidate appears on the ballot.	Specified for overseas territories.	Majority-runoff. Second round in two weeks. ²⁵

Table 5: Oversight and Dispute Adjudication

Electoral Commissions			Appeals	Violations
Levels	Membership			Fines
Bulgaria	CEC, regional, section (Art. 10 I) ²⁶	Reflects distribution of parties/coalitions in parliament (Art. 5)		Campaign violations – 10,000-100,000 leva. Finance violations – 50,000-100,000 leva
Lithuania	CEC, town and regional, precinct (Art. 10, 1)	CEC selected by Seimas (Art. 11, 3) ²⁷	Voters may appeal decisions about their status on the voter list. (Art. 28) ²⁸ Local EC decisions may be appealed within 24 hours to the CEC; CEC decisions may be appealed to the Courts (Art. 19)	Prosecution for those who inhibit voters or falsify results (Art. 40 1)
Poland	National EC, constituency, precinct (Art. 9)	NEC selection procedures determined in another statute ²⁹	Any voter may challenge the election results (Art. 72) and it will be dealt with by the Supreme Court (Art 73, 75, 76)	Up to 50,000 zloty for making false statements (Art. 80). Other fines are specified in Art. 88.
Romania	CEC, constituency (Art. 5 and 6)		Constitutional Court will resolve disputes within 3 days (Art. 17)	Elections will be declared invalid if the results are demonstrably fraudulent. Parties, groups or candidates that participated may formally challenge the results (Art 24, 1)
Slovakia	CEC, district, precinct (Art. 6)	Political parties and petition committees with nominated candidates name a member and alternate to the CEC and DECs (Art. 7, 1)		If campaign finance limits are exceeded, candidates are fined ten times the amount exceeded (Art. 20). Failure to disclose finances results in a 2 million crown fine (Art. 20, 2)
France	National Control Commission for the Electoral Campaign, local commissions	Five members of the national commission. Vice President of the Council of the State is chairman. Representatives from national-level courts		Inaccurate accounting can result in forfeiture of the reimbursement.

Sources for the Comparison of Election Laws

Bulgaria: Presidential Elections Act, Promulgated 1991 and amended in 1991, 1996 and 1998

France: Election du Président de la République, 1962

Lithuania: Law on Presidential Elections, as amended in 1996, and Law on the Amendment of the Law on Elections to the Seimas, 2000

Poland: Law on the Election of the President, with amendments from 2000

Romania: Law on Election of the President of Romania and Emergency Decrees #129 and #140

Slovakia: Law on Procedure of the Election of the President of the Slovak Republic, on Plebiscite and Removal of the President and on the Supplementation of Several Other Laws, 18 March 1999

Other Sources

Blais, Andre, Louis Massicotte and Agnieszka Dobrzynska. 1997. "Direct Presidential Elections: a World Summary." *Electoral Studies*. 16(4):441-455.

Cox, Gary. 1997. *Making Votes Count*. Cambridge: Cambridge University Press.

Jones, Mark P. 1995. *Electoral Laws and the Survival of Presidential Democracies*. Notre Dame: Notre Dame University Press.

Lijphart, Arend. 1994. *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. Oxford: Oxford University Press.

Shugart, Matthew Soberg and John M. Carey. 1992. *Presidents and Assemblies*. Cambridge: Cambridge University Press.

NOTES

- ¹ Please note that some of France's provisions are in the electoral code which was not available to the author at the time the report was written. Information about France reflects provisions found in the law on presidential elections.
- ² A nominating committee must consist of 5-7 voters that registers with the CEC (Art. 3, 3).
- ³ The deposit is returned if the candidate receives at least 1% of the valid votes (Art. 6a, 2).
- ⁴ The deposit is returned after 20,000 signatures are verified (according to the Constitution of Lithuania, Article 79).
- ⁵ At least 15 citizens must form an election committee. A nominated candidate must provide written consent (Art. 40 a) and the candidate must provide a statement about work for organs of state security from 1994-1990 (Art. 40 a, 5).
- ⁶ The law indicates that at least 1,000 signatures must be collected to register a candidate with the NEC. But, 100,000 signatures are required (Art. 40 c). Also, signatures may not be collected on military bases (Art. 40 g).
- ⁷ The wording of the law is unclear, but passages about electoral commissions note that parties and petition committees may nominate candidates (Art. 7, 1; Art. 8, 1; Art. 9, 1). Based on this information, I assume that both types of organizations have the right to nominate.
- ⁸ The Chairman of the National Council examines the nomination material.
- ⁹ At least 30 signatures must be obtained from overseas territories without any 10 from one territory or department. In addition, the names on the signature list are made public no fewer than 8 days before the election.
- ¹⁰ The specific regulations are that 7 minutes are allocated at the beginning of the campaign; 5 minutes at the end. Weekly 120 minute debates are to be broadcast. The order of participation is determined by lots (Art 11 a). Local TV/radio stations are to provide 2 hours/week of pre-election programming. National networks must provide equal time to parties/candidates (Art. 11 a). If a second round is held, similar arrangements are made (Art 11 c).
- ¹¹ If the mass media publicizes "compromising material" about a candidate, the candidate must be given an opportunity to provide a response, after petitioning the Office of the President (Art. 42, 5). Campaigning must end 30 hours before the opening of the polls. "Permanent visual campaign material" that was posted at least 48 hours prior to the opening of the polls may remain (Art 45).
- ¹² The main TV and radio broadcasters must provide 25 free hours of TV and 35 of radio beginning 15 days before the election. Time is allocated among committees. (Art 83) Committees may also have paid ads, beginning 15 days before the election, that total no more than 15% of air time allotted to a group for free election broadcasts (Art. 83 a).
- ¹³ Demonstrations, public speeches and leaflet distribution is prohibited 24 hours before election day (Art. 77). Campaigning at workplaces is illegal if it interferes with work functions (Art. 78). Free or reduced price alcohol may not be distributed (Art. 78). Campaign materials must identify their origin (Art. 79). Posters may only be hung on private property with owners' consent. They cannot be hung on/in government buildings. Election committees must remove old posters after the election. If material is not cleaned up, and municipal authorities have to clean up, the voters' committees are responsible to pay (Art. 79). Materials with false statements may be challenged in court (Art. 80).
- ¹⁴ Many organizations are restricted from spending campaign money (i.e., state owned enterprises, local government budgets) (Art 86). The amounts allocated to advertising and total expenses are specified (Art. 87).
- ¹⁵ The campaign begins 15 days before the election and ends 48 hours before the election (Art. 15). Candidates are promised equal access to the mass media (Art. 15, 3). Slovak Radio and TV and those with broadcasting licenses will allocate no more than 1 hour per candidate (maximum of 10 hours) (Art. 15, 4-5). The state budget pays for the time allocated in Article 4. Candidates pay for other air time (Art 15, 7).
- ¹⁶ Candidates may respond to "false or misrepresenting information" in comparable time periods (Art. 15, 11). Opinion polls may not be published after three days before the election (Art. 15, 14).
- ¹⁷ In the first round, candidates receive no less than 15 minutes. In the second round, they receive no less than one hour. Equal time is required for official news channels. There are also provisions for time purchased by the candidate.
- ¹⁸ Voter lists are compiled for each election and consist of residents who resided in region for at least 2 months prior to the election. The list includes the voter's previous address if he/she moved in last 6 mos. Dead and disenfranchised voters are deleted (Art. 10 c). Copies of voter lists must be maintained until the next elections (Art 10 g). Registries must be completed 30 days before elections. Parties and nominating committees with registered candidates may receive a copy (Art. 10 e).
- ¹⁹ Voters may vote in other precincts if they have appropriate documents signed by the mayor or other official. Permission to vote in another precinct cannot be given on election day (Art. 10 d).
- ²⁰ But with approved exceptions, as few as 30 voters can make up a precinct (Art 10 k).
- ²¹ Voter lists are prepared no later than 14 days before the election (Art. 26). They may be inspected in the commune (Art. 37). Complaints may be submitted to the local office and will be resolved within 48 hours (Art. 38). Decisions

may be appealed (Art. 39). The registry may be changed on election day if omitted person can prove permanent residence and the voter is not barred from voting (Art. 39 a).

²² Voters may be included in a commune register away from home if request is made 10 days before the election and the voter will be present on election day (Art. 31).

²³ Polling stations must ensure secret ballots with sealed ballot boxes (Art. 6). Precincts established by the Act on Elections to Communal Councils, District Councils and Voivodship Councils (16 July 1998). Precincts with fewer than 50 voters may be established in special precincts with permission (Art 22, 3). Voters will vote in booths to "guarantee secrecy of voting" (Art. 51). Handicapped voters may be assisted, but not by an EC member (Art. 54). Before voting begins, the PEC will ensure that the box is empty and seal it (Art. 56). Invalid votes are those that do not have a seal, with more than one X, with no X or torn in two (Art. 62). If votes are not received within 24 hours from a precinct, they are invalidated (Art. 65, 3b).

²⁴ Determined by the mayor of the municipality. Precincts should have around 1,000 voters, but no fewer than 50 (Art. 3, 2). Disabled and illiterate voters may receive assistance (Art. 21, 5). Ballots must be completed in designated areas (Art. 21, 6). Special precincts may be established in care facilities as long as they have at least 100 voters.

²⁵ The commission that tallies the vote at the Department level includes three judges.

²⁶ CEC members are appointed by the National Assembly. Regional commissions are appointed by the CEC. Local officials appoint section commissions.

²⁷ Seven members make up the CEC for presidential elections: a chairman nominated by parliament, and six individuals determined through a lottery. Three of these individuals are selected from among those nominated by the Ministry of Justice and the remaining three are selected from among those nominated by the Lithuanian Society of Lawyers. The six members determined by lot must have higher legal education (Art. 11, 3). In addition, parties and political groups which passed the threshold in the proportional representation component of Lithuania's mixed system may nominate members. These candidates are not subject to approval by the Seimas (Art 11, 6).

²⁸ The precinct electoral commission will issue a decision within 24 hours. Appeals must be submitted no later than 24 hours prior to the election.

²⁹ Constituency commission members are selected by the NEC (Art. 10) and consist of 5 judges (Art. 15, 2); precinct members are selected by the executive committee of the commune (Art. 16).