**THE CONSTITUTION OF THE CZECH REPUBLIC - No. 1/1993 Coll**

**Article 5**

The political system is founded on the free and voluntary formation of and free competition among those political parties which respect the fundamental democratic principles and which renounce force as a means of promoting their interests.

**Article 16**

(1) In the Chamber of Deputies there shall be 200 Deputies, who are elected to a four-year term of office.

(2) In the Senate there shall be eighty-one Senators, who are elected to a six-year term of office. Every second year elections for one-third of the Senators shall be held.

**Article 17**

(1) Elections to both chambers shall be held during the period commencing thirty days prior to the expiration of each electoral term and ending on the day of its expiration.

(2) If the Chamber of Deputies is dissolved, elections shall be held within sixty days of its dissolution.

**Article 18**

(1) Elections to the Chamber of Deputies shall be held by secret ballot on the basis of a universal, equal, and direct right to vote, according to the principle of proportional representation.

(2) Elections to the Senate shall be held by secret ballot on the basis of a universal, equal, and direct right to vote, according to the principle of majority rule.

(3) Each citizen of the Czech Republic who has attained the age of eighteen has the right to vote.

**Article 19**

(1) Any citizen of the Czech Republic who has the right to vote and has attained the age of twenty-one is eligible for election to the Chamber of Deputies.

(2) Any citizen of the Czech Republic who has the right to vote and has attained the age of forty is eligible for election to the Senate.

(3) Deputies and Senators gain their mandate by their election.

**Article 20**

Further conditions upon the exercise of the right to vote, the organization of elections, and the extent of judicial oversight over them shall be provided for by statute.

**Article 24**

Deputies and Senators may resign their seat by a declaration made in person at a meeting of the chamber of which they are a member. Should serious circumstances prevent them from doing so, they shall submit their resignation in the manner provided for by statute.

**Article 25**

A Deputy or Senator’s mandate shall lapse:
(a) upon his refusal to take the oath of office or upon taking the oath with reservations,
(b) upon the expiration of the electoral term,
(c) when he resigns his seat,
(d) upon his loss of eligibility to hold office,
(e) for Deputies, upon the dissolution of the Chamber of Deputies,
(f) when an incompatibility of office under Article 22 arises.

**Article 40**

In order to adopt an electoral law, a law concerning the principles of dealings and relations of both chambers, both between themselves and externally, or a law enacting the standing orders for the Senate, both the Chamber of Deputies and the Senate must approve it.

**Article 54**

(1) The President of the Republic is the head of state.

(2) The President of the Republic is elected directly in a national popular vote.

(3) The President of the Republic shall not be responsible for the performance of his duties.

**Article 55**

The President of the Republic assumes office upon taking the oath of office. The President of the Republic’s term of office lasts for five years and begins on the day the oath of office is administered.

**Article 56**

(1) The election of President shall be held in the form of a secret ballot based on the general, equal and direct voting right.

(2) The candidate having received more than a half majority of valid votes of rightful voters is elected for the office of the President of the Republic. In the event of absence of such a candidate a second electoral round should be held 14 days after commencement of the first electoral round which the two most successful candidates from the first electoral round proceed onto. Should the candidates receive equal number of votes, all candidates having received the plurality of votes of rightful voters shall proceed onto the second electoral round and should there not be at least two such candidates, also candidates having received the second highest number of votes of rightful voters shall proceed onto the second electoral round.

(3) The candidate having received the plurality of votes of rightful voters in the second round of the election. Shall there be more of such candidates, the President of the Republic is not elected and a new election of President of the Republic is held within 10 days.

(4) Shall the candidate who proceeded onto the second round of the election cease to be eligible for office of the President of the Republic or shall such candidate waive his right to stand as a candidate for the office of the President of the Republic, the candidate having received the subsequent highest number of votes of rightful voters in the first electoral round shall proceed onto the second round of the election. The second round of election is held even if there is only one candidate who proceeds onto the second electoral round.

(5) Each and every citizen of the Czech Republic who has reached the age of 18 years is entitled to nominate a candidate provided that such a nomination is supported by a petition signed by at least 50.000 citizens of the Czech Republic who are entitled to vote for the President of the Republic. A candidate can be nominated by at least twenty Deputies or by at least ten Senators.

(6) Every citizen of the Czech Republic having reached the age of 18 has the right to vote.

(7) Presidential election takes place within the last sixty days of the office of the incumbent President, however, 30 days prior to the expiration of the term of the office of the incumbent President of the Republic. Shall the office of the President become vacant, the election of the President is held within ninety days.

(8) The election of the President is announced by the President of the Senate ninety days prior to holding the election at the latest. Should the office of the President become vacant, the President of the Senate of the Czech Republic shall announce the election of the President ten days prior to holding such election at the latest and simultaneously eighty days prior to holding such election.

(9) Shall the office of the President of the Senate be vacant the election of the President shall be announced by the President of the Chamber of Deputies.

**Article 57**

(1) Any citizen eligible for election to the Senate may be elected President.

(2) No person may be elected President more than twice in succession.

**Article 58**

Further conditions of the exercise of the right to vote in the election of the President equally as the details of the process of proposing of the presidential candidates for the office of the President of the Republic, the announcement and implementation of the election and the announcement of the outcome of the election and the judicial review shall be stipulated by the Law.

**Article 102**

 (1) Members of representative bodies shall be elected by secret ballot on the basis of a universal, equal, and direct right to vote.

(2) Representative bodies shall have a four-year electoral term. The circumstances under which new elections for representative bodies shall be called prior to the expiration of an electoral term shall be designated by statute.

**THE CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS** **– No. 2/1993 Coll**

**Article 20**

(1) The right of association is guaranteed. Everybody has the right to associate together with others in clubs, societies, and other associations.

(2) Citizens also have the right to form political parties and political movements and to associate therein.

(3) The exercise of these rights may be limited only in cases specified by law, if it involves measures that are necessary in a democratic society for the security of the state, the protection of public security and public order, the prevention of crime, or the protection of the rights and freedoms of others.

(4) Political parties and political movements, as well as other associations, are separate from the state.

**Article 21**

(1) Citizens have the right to participate in the administration of public affairs either directly or through the free election of their representatives.

(2) Elections must be held within terms not exceeding the regular electoral terms provided for by law.

(3) The right to vote is universal and equal, and shall be exercised by secret ballot. The conditions for exercising the right to vote shall be provided for by law.

(4) Citizens shall have access, on an equal basis, to any elective and other public office.