



Office for Democratic Institutions and Human Rights

SLOVAK REPUBLIC

PRESIDENTIAL ELECTION

23 March 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT

24-26 January 2024



Warsaw
6 March 2024

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**OSCE/ODIHR Needs Assessment Mission Report
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I. INTRODUCTION

Following an official invitation to observe the 23 March 2024 presidential election and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 24 to 26 January. The NAM comprised Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Goran Petrov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the presidential election. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming election and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, the election administration, and representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign and European Affairs for their assistance and cooperation in organising the visit. ODIHR would also like to thank all its interlocutors for taking the time to meet with the mission and share their views.

II. EXECUTIVE SUMMARY

On 8 January, in line with the Constitution, the Speaker of the National Council announced the presidential election to be held on 23 March, with a possible second round scheduled for 6 April. The pre-election period is marked on the one hand by strong political disagreements related to the government's intention to abolish the Special Prosecutor and reduce sentences for certain types of offenses in the Criminal Code and peaceful public protests with demands to the government to withdraw these and other legislative changes, on the other.

The legal framework for presidential elections has been mostly unaltered since 2019, except for the amendments related to campaign finance introduced after the previous presidential election. ODIHR has previously assessed that the legal framework is conducive to holding democratic elections but that certain aspects are under-regulated, and some previous ODIHR recommendations remain to be addressed, including effective remedies for election dispute resolution, ensuring independent voting by persons with disabilities, decriminalization of defamation, and strengthening the campaign finance oversight.

Three levels of election commissions, headed by the State Election Commission (SEC), are responsible for administering the presidential election. Following the 2023 early parliamentary elections, in line with the law, a new composition of the SEC was elected and commenced its work in January. The SEC lacks an independent secretariat, and its work is supported by the Ministry of Interior (MoI). Most ODIHR NAM interlocutors expressed a high level of confidence in the work of

election administration, but some warned about the potential for the negative impact of political appointments on its independence.

Voter registration is passive and based on the permanent residence register. Voters permanently or temporarily residing abroad do not have the possibility to vote for president via a postal ballot as in parliamentary elections but will be able to vote in any polling station in Slovakia. More than 4.3 million voters were registered in the country for the last parliamentary elections. The ODIHR NAM interlocutors did not raise any concerns regarding the accuracy and inclusiveness of voter registration.

Eligible voters of at least 40 years of age may stand for president. Candidates must be supported by at least 15 members of parliament or collect signatures of 15,000 voters. Nominations were to be delivered for registration to the Speaker of the National Council by 30 January. In case of deficiencies, candidates do not have the possibility to correct the applications. The details of the candidate registration process are not formally regulated and are based on previous practice; the Speaker, who is also standing as a candidate, delegated the registration process to the parliamentary service. None of the ODIHR NAM interlocutors expressed concerns regarding candidate registration.

The campaign officially started from the announcement of the election on 8 January and should, by law, last until 48 hours before election day when the official campaign silence period begins. Third-party campaigning is not allowed, including by political parties. Most ODIHR NAM interlocutors expect the campaign to be centred around the ongoing reform of criminal justice and foreign policy and European Union-related issues. While most interlocutors noted that the current tone of the campaign is calm, many expected a heated campaign and noted the continued instances of hateful and intolerant rhetoric aimed towards different national and sexual minority groups.

Presidential candidates may spend a maximum of EUR 500,000 on their election campaign for both rounds of the election. Most ODIHR NAM interlocutors considered the limit too low and some warned of the possible circumvention through unreported expenses. There are no donation limits, and following the recent legal changes, parties are not allowed to finance presidential campaigns through subsidies they receive from the state. The MoI oversees campaign finance regulation, but it does not have a practice of deciding upon complaints during the campaign. Overall, most ODIHR NAM interlocutors noted a need for transparency and effective oversight improvements to the campaign finance regulatory framework.

A variety of information sources provide a plurality of content and positions on various issues. The recent changes related to the funding of the public broadcaster Radio Television Slovakia (RTVS) were criticized by a number of media stakeholders as having the potential to impact the work of RTVS and its independence. Several ODIHR NAM interlocutors raised concerns that some prominent private media outlets are being blocked from acquiring information from government officials as they are perceived as hostile. Several instances of disinformation from both internal and foreign sources occurred during the parliamentary elections and appears to be continuing and some ODIHR NAM interlocutors raised concerns about the government's reduced ability to address these hybrid threats.

The law does not provide for expedited timeframes for the resolution of election-related disputes except for voter and candidate registration cases. Appeals related to candidate registration can be submitted to the Supreme Court, while campaign-related complaints are dealt with by the MoI and the SEC, which review them after the elections. The Constitutional Court reviews all potential challenges to election results that may be submitted after the results are finalized. While there are no expedient deadlines, the Court informed the ODIHR NAM that, in practice, it considers such petitions in an expedient manner.

Most ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. While all ODIHR NAM interlocutors welcomed the presence of international observers, most remarked that a comprehensive election observation activity is not necessary. Several interlocutors pointed to deficiencies in the regulation of campaign finance and issues related to the campaign rhetoric, as well as coverage of the campaign in the media, including online. Some ODIHR NAM interlocutors also noted trends of pressure and reduced financial support of the state in the work of civil society organizations. Based on this, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 23 March presidential election to assess the conduct of the election campaign, including in the media and the campaign finance framework.

III. FINDINGS

A. BACKGROUND

Slovakia is a parliamentary republic. The president appoints the prime minister and members of the government, judges of Constitutional and Supreme courts, the Prosecutor General and various other state officials, and represents the country abroad and serves as commander-in-chief of the armed forces. In case of a vote of no confidence in the government, some executive powers of the government are subject to the approval of the president. In such a case, the president can appoint a government without the approval of Parliament.¹

The 30 September 2023 early parliamentary elections led to a change of the Parliament's composition and an appointment of a new coalition government headed by Robert Fico.² On 8 January 2024, in line with the Constitution, the Speaker announced that the presidential election would be held on 23 March, with a possible second round scheduled for 6 April. The incumbent president, Zuzana Čaputová, elected for her first term in 2019, declared in June 2023 that she will not be seeking re-election, citing personal reasons.

The pre-election period is marked by intense political disagreements surrounding the government's intention to abolish the position of the Special Prosecutor that handles serious crimes and extremism and introduce other changes to the criminal code, such as limiting protection to whistleblowers and reducing sentences for financial crimes. While the ruling coalition sees a need for fulfilling an expedited reform agenda, the parliamentary opposition, some independent institutions and the civil society strongly object to the changes that they see as detrimental to the development of the democratic society and to the accelerated legislative procedure conducted without consultation.³ Peaceful protests organized by civil society, primarily against the changes in the Criminal Code, took place in January and continued in February in Bratislava and several other cities.

¹ In May 2023, the incumbent president appointed a caretaker government that remained in place until the new government was formed in October 2023, following the early parliamentary elections.

² Parliamentary mandates were distributed as follows: Direction – Social Democracy (Smer-SD) – 49 seats, Progressive Slovakia – 32, Voice – Social Democracy (Hlas-SD) – 27, OĽaNO and Friends – 16, Christian Democratic Movement (KDH) – 12, Freedom and Solidarity (SaS) – 11 and Slovak National Party (SNS) – 10.

³ According to the [National Centre for Human Rights](#), in 2023, amendments to 22 different laws were submitted to Parliament to be considered in an expedited procedure, of which 15 were submitted following the last parliamentary elections in September.

Women remain underrepresented in political life, with only 33 women MPs (22 per cent) elected to Parliament in 2023, and only three out of sixteen appointed members of government being women.⁴ The current president is a woman, but none of the eleven candidates contesting this election are women.

ODIHR has deployed six Election Assessment Missions (EAMs) since 2004 and, before that, three Election Observation Missions (EOMs) since 1998.⁵ Most recently, ODIHR deployed an EAM to assess the 30 September 2023 early parliamentary elections.

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Presidential elections are regulated by the 1992 Constitution, the 2014 Act on Conditions for the Exercise of the Right to Vote and on the Amendments to Certain Acts (Elections Act) and the 2014 Act on Campaigning.⁶

While the legal framework for presidential elections has been mostly unaltered since 2019, some important changes related to campaign financing were introduced following the previous presidential elections in 2019 (see *Campaign Finance*). Several changes were introduced in the Elections Act in 2021 and 2022 that affect all elections, including allowing opinion polls to be published until two days before elections and mandatory electronic transfer of results from polling stations.⁷ Prior to the early parliamentary elections, public consultations were conducted with a view of amending the law to provide additional safeguards against vote-buying, but this was discontinued following the 2023 elections.⁸

ODIHR has previously assessed that the legal framework is conducive to holding democratic elections but that certain aspects of the electoral process are under-regulated, and some previous ODIHR recommendations remain to be addressed. These include clearly defining procedures and expedited timelines for election dispute resolution, both for the election campaign and contesting election results, enhancing the possibilities for independent access to elections by persons with disabilities, decriminalization of defamation, and strengthening the campaign finance framework, including the capacity of the oversight body.

The president is directly elected for a five-year term and may hold office for up to two consecutive terms. A candidate is elected by an absolute majority of valid votes. If no candidate is elected in the first round, a run-off between the top two candidates is held within 14 days.

⁴ The 2023 CEDAW [Concluding observations on the seventh periodic report of Slovakia](#) reiterated the recommendation to the authorities of Slovakia to take measures, including special temporary measures, to achieve equal representation of men and women in elected positions and in public and political life.

⁵ See previous ODIHR [election-related reports on Slovakia](#).

⁶ The legal framework for elections includes several other laws, including the 1967 Administrative Procedure Code, the 2005 Criminal Code and the 1990 Law on the Right to Petition.

⁷ On 12 January, the government submitted to Parliament [amendments](#) to the Elections Act to introduce an electronic register of candidates and candidate lists for all types of elections, aiming to increase transparency and accuracy in handling candidacies; this is seen as an important development especially for local elections, which have a large number of nominated candidates. However, if adopted, the amendments will only come into effect on 1 June 2024.

⁸ Significant changes introduced in the Elections Act to the system of postal voting were already implemented for the 2023 early parliamentary elections but are not relevant for the presidential election, as there is no possibility for postal voting in this election (see *Voter registration*).

C. ELECTION ADMINISTRATION

The elections are organized by three levels of election commissions, the State Commission for Elections and Control of Financing of Political Parties (State Election Commission - SEC), 49 District Election Commissions (DECs) and more than 6,000 PECs. The SEC has the overall responsibility of administering elections and establishing election results. The Ministry of Interior (MoI) and the Statistics Office provide considerable support to the election commission at all levels.

The SEC is a permanent and independent body comprising 14 members appointed by Parliament after every parliamentary elections. Parliamentary parties and coalitions delegate ten members in proportion to their representation but equally shared between the governing and opposition parties. The four remaining members are nominated by state institutions.⁹ Following the 2023 elections, the new SEC composition was sworn in on 5 December, and Parliament selected the SEC chairperson on 16 January 2024, after the presidential election was already called. Since its formation, the new SEC has convened once, on 31 January and plans to have a limited number of meetings before election day. Currently, only three SEC members are women, and the previous SEC composition had only one woman. Sex-disaggregated data on membership of the lower-level commissions is not collected by any election administration authority on the central level.

The MoI hosts the SEC, provides methodological support, conducts voter education, and is in charge of technical preparations for elections. DECs oversee the activity of PECs and the processing of voting results, while PECs manage the voting and counting process. DECs and PECs should each have at least five members nominated by the parliamentary parties and coalitions and the civic groups nominating presidential candidates.¹⁰ According to the MoI, the recently increased compensation for the work of PEC members will have a positive impact on ensuring sufficient qualified staff. According to a number of ODIHR NAM interlocutors, many polling premises remain inaccessible for persons with physical disabilities.

The Statistics Office administers the tabulation of results by setting up units in all DECs and at the SEC and installs a system for the electronic processing of election results from all polling stations. Once the DEC accepts the electronic results submitted by the PECs, the results protocols are printed at both the PEC and DEC levels. The Statistics Office is also tasked to provide training for all DEC members PEC chairpersons, and deputy chairpersons, including on the use of the results management system and on the election-day rules and procedures.

Most ODIHR NAM interlocutors expressed a high level of confidence in the work of election administration, but some warned about the potential for the negative impact of the political appointments on the independence of the election management bodies on the central level.¹¹

The MoI provides election-related information, including on voters' rights, on its website, including in minority languages.¹² For the first time in this election, the public broadcaster Radio and Television

⁹ One each by the presidents of the Constitutional Court, Supreme Administrative Court, Supreme Audit Office, and the Attorney General.

¹⁰ The deadline for nomination of DEC and PEC members to the respective mayors' offices who appoint them is 19 February. The DEC and PEC chairpersons and their deputies are determined by a lot during their first meetings.

¹¹ The Speaker of Parliament, the Minister of Interior and the SEC chairperson are all nominated by the same political party.

¹² By law, municipalities provide official information, including voter information and invitations to vote, in minority languages in localities with at least 20 per cent of minority residents.

Slovakia (RTVS), in co-operation with the Ministry of Culture and the SEC, plans to broadcast voter information spots with integrated sign language.

D. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except those ordered under quarantine to protect public health in case of a pandemic. Voter registration is passive and decentralized; each municipal administration maintains the voter register based on the permanent residence register. Voter lists are updated continuously based on municipal records and input from state institutions and municipalities. Voters may verify and request corrections to the voter register, and if denied, they may appeal the decisions to the administrative court and further to the Supreme Administrative Court (SAC). The SAC informed the ODIHR NAM there were no court records of such cases in recent years, including with the lower courts. If omitted, a voter can be added to the list on election day after presenting their ID by proving residency or based on a court decision. Voters can also obtain an absentee voting certificate (AVC) to vote in any other polling station without a need for a justification.¹³ Voters can also request to vote through a mobile ballot box if they cannot leave their residence due to health reasons.

Publicly available information on the number of registered voters ahead of elections is not available, and the total number of voters registered is only published with the election results.¹⁴ The ODIHR NAM interlocutors did not raise any concerns regarding the accuracy and inclusiveness of voter registers.

Voters permanently or temporarily residing abroad can vote in any polling station in Slovakia.¹⁵ They must present their passport and sign an affidavit claiming a permanent residence abroad.¹⁶ Some ODIHR NAM interlocutors regretted that the lack of postal voting would reduce the turnout of voters residing abroad, and others described technical difficulties in implementing postal voting, given shorter deadlines, especially in the case of the second round.

E. CANDIDATE REGISTRATION

Eligible voters of at least 40 years of age may stand as presidential candidates. Persons who lost legal capacity through a court decision, those serving a prison sentence, and those with prior convictions for an intentional crime, regardless of the gravity of the crime, are not eligible to stand, contrary to international commitments and standards.

Prospective candidates need to be supported by at least 15 members of parliament or collect signatures of at least 15,000 voters (approx. 0.3 per cent of the electorate). Voters can support multiple candidates. Candidate nominations had to be delivered to the Speaker of the National Council by 30 January. The Speaker also stands in the election as a candidate, which, according to some ODIHR NAM interlocutors, could lead to a conflict of interest. The Office of the National Council informed the ODIHR NAM that the Speaker delegated the tasks of candidate registration to the parliamentary

¹³ Voters are excluded from the voter list of their polling station and vote by depositing the AVC of a polling station of their choice.

¹⁴ For the 30 September 2023 early parliamentary election, 4,388,872 voters were registered.

¹⁵ Postal voting is facilitated for parliamentary elections and for the 2023 early parliamentary elections, 58,779 voters used this right (some 2 per cent of all voters who voted).

¹⁶ The fact they voted is noted in the voter's passport, and the voter is added to the voter list.

service and *de facto* reduced his function to formally approving or rejecting candidacies based on the recommendation of the service.¹⁷

The Office of the National Council has 14 days after receiving each nomination to review it.¹⁸ While the law sets general principles and deadlines, detailed procedures are not set in any formal documents but are solely based on the previously established practice.¹⁹ In case of identified deficiencies, there is no possibility for candidates to correct the applications once they are received by the parliamentary service. If the Speaker refuses the nomination, the applicant may file a petition to the Supreme Administrative Court, whose decision on the nomination is final. ODIHR NAM interlocutors didn't express concerns regarding the inclusiveness of the candidate registration process. By the deadline of 30 January, 11 candidates were nominated; one candidate was refused registration due to the lack of sufficient number of support signatures.²⁰

F. ELECTION CAMPAIGN

The campaign officially started from the announcement of the election on 8 January and will last until the campaign silence period 48 hours before election day. Municipalities allocate specific locations where contestants are able to display election materials, but there are no restrictions on the placement of campaign materials, including billboards. The law allows the broadcasting of paid political advertisements starting from 21 days before election day until the start of the campaign silence period. Following the amendments to the Elections Act in 2021, the conduct and publication of the results of opinion polls is permissible until the start of the campaign silence period. Some ODIHR NAM interlocutors mentioned a potential for breaches of the silence period due to the automated promotion by the social networks accounts of the already published and pre-purchased content.

Following the 2019 amendments to the Act on Campaigning, third-party campaigning is not allowed. For the presidential election, this includes political parties, who are not permitted to separately campaign for the candidates they nominated or intend to support through staff or financial donations. The MoI informed the ODIHR NAM it has established communication channels with some social networks and the possibility to request additional information, including on potential breaches of campaign rules.

Most ODIHR NAM interlocutors anticipated the campaign to be centred around the issues surrounding the rule of law and checks and balances in a democratic society, the position of candidates on the reform of criminal justice, as well as the issues surrounding European Union and foreign policy. Candidates are expected to campaign extensively through social media and through in-person public events and rallies.

Many ODIHR NAM interlocutors expect a heated campaign and noted the continued use of hateful and intolerant rhetoric aimed towards national minorities and LGBTI, both by political actors, including some presidential hopefuls and generally in the public discourse, especially on social

¹⁷ ODIHR has previously recommended that the candidate registration for presidential elections be transferred to the SEC.

¹⁸ The timeframe to consider applications was extended from 7 to 14 days following the 2019 presidential election.

¹⁹ For example, no details are prescribed on the manner of checking voter support declarations. The parliamentary service does not routinely check the veracity of voters' data provided in the declaration, and the service has full discretion in deciding how many declarations to check in order to be satisfied that a sufficient number was submitted.

²⁰ See [the list](#) of registered candidates published by the SEC.

networks.²¹ Some ODIHR NAM interlocutors also feared instances of violence, making a connection with the hateful rhetoric on social networks.²² Some pointed out, however, that the top contenders for the position of the president are less likely to engage in discriminatory speech but that they themselves might become targets.

G. CAMPAIGN FINANCE

Campaign finance is regulated by the 2014 Act on Campaigning and the 2005 Act on Political Parties and Political Movements. Presidential candidates may spend a maximum of EUR 500,000 on their election campaign for both rounds of the election. Any political promotion given for free or at a reduced price, including by broadcasters, must also be reported according to the regular prices.²³ Most ODIHR NAM interlocutors considered the expenditure limit too low and warned that some contestants could be in a position to circumvent the limit by not reporting all expenses.

Candidates may also receive monetary donations and in-kind contributions from citizens, legal entities and registered political parties. Anonymous and foreign donations, and donations from state and other public institutions and civil society organizations are prohibited. Unlike in parliamentary elections, there are no limits on individual donations. There is no direct or indirect public funding for presidential candidates. Following the amendments to the Act on Campaigning in 2019, parties are not allowed to finance presidential campaigns through subsidies they receive from the state; they may only do so through other funds they obtain, such as membership fees or individual donations. However, some ODIHR NAM interlocutors noted that this provision can easily be circumvented, given the limitations of the reporting mechanism and the level of supervision.

All candidates must open dedicated and transparent campaign accounts with all transactions disclosed in real-time.²⁴ All donations and expenses must be made through bank transfers. Some ODIHR NAM interlocutors explained that candidates can easily obscure the transparency of expenditures by contracting advertisers to run their campaign activities, whereas the details of the contracts are not disclosed or published with delay.²⁵ Candidates must keep separate registers for in-kind contributions, including details such as description, value, and dates it was received. According to the MoI, expenditures from the purchase of ads on social networks are considered the same as any other expenditures and must be reported by all candidates.

By law, the candidates must publish online their campaign finance reports and submit them to the MoI within 30 days of the election.²⁶ The MoI should publish the reports online within 30 days of receiving them. The MoI oversees campaign finance reporting and can request additional information from candidates beyond submitted reports. However, the MoI has a practice of not deciding upon complaints or *ex officio* to apply sanctions during the campaign.²⁷ In order to help candidates adhere to existing regulations and reporting requirements, the MoI provided a detailed section on its website

²¹ Prior to the 2023 elections, the Government Plenipotentiary for Roma Communities [appealed](#) to political parties not to exploit the vulnerable situation of the Roma in the campaign and also made [appeals](#) to remove campaign content describing Roma as ‘asocial’ and ‘parasites’.

²² On 12 October 2022, two persons were killed, and one was wounded in a shooting in front of a bar frequented by the LGBTI+ community in Bratislava, in an incident that was widely considered a violent hate crime.

²³ The only exception is the free coverage by Radio and Television of Slovakia (RTV).

²⁴ See the [list](#) of registered candidates' websites with the disclosed campaign transactions maintained by the MoI.

²⁵ For example, [the opening rally](#) of Mr. Pellegrini held on 19 January, in which he declared his candidacy, is yet to be reported as an expense for a contract paid on his [transparent bank account](#).

²⁶ Unlike for the parliamentary elections, interim reports are not foreseen for the presidential election.

²⁷ Transparency International Slovakia informed the ODIHR NAM it submitted five complaints claiming violations for the 30 September 2023 parliamentary elections but is yet to receive any response.

with the most frequently asked questions and the necessary forms and templates.²⁸ Overall, the ODIHR NAM interlocutors noted that the campaign finance regulatory framework should be improved.

H. MEDIA

A variety of information sources, including public and commercial broadcasters and print and online media, provide a plurality of information. Freedom of expression and the right to information is constitutionally guaranteed. Defamation remains a criminal offence, at odds with international obligations and standards.²⁹ Some ODIHR NAM interlocutors mentioned concerns about the safe environment for journalists due to threats of violence in the recent period but also highlighted some improvements in this regard, such as responsive contact points with the police.³⁰

Media legislation was reformed in August 2022 following the adoption of two new laws, the Media Services Act and the Act on Publications, aiming to strengthen the protection of journalists, increase transparency of media ownership and funding, and envisage the application of self-regulatory mechanisms. The ODIHR NAM was informed that the government is yet to submit to Parliament amendments to the Media Services Act to fully harmonize it with the EU-wide Digital Service Act (DSA) that has been in force since 17 February.³¹

Television remains the most popular source of political information, but social networks also play an important role. In December 2023, the government decided to reduce the budget allocation for the public broadcaster Radio and Television Slovakia (RTVS) by 30 per cent.³² This change was criticized by many media stakeholders as having the potential to impact the work of RTVS and its independence.³³

According to the legislation, broadcast media should ensure the plurality of views as well as objectivity and impartiality of news and current affairs programmes. Several ODIHR NAM interlocutors pointed out that during the recently held early parliamentary elections, some high-level politicians refused to cooperate with some media outlets, accusing them of bias. In November 2023, the Prime Minister stated that journalists from certain media deemed as ‘hostile’ would not be “welcome to enter and work at the government office”, which a number of ODIHR NAM interlocutors see as detrimental to the access of citizens to public information.³⁴

Several instances of disinformation from both internal and foreign sources occurred during the parliamentary elections and appears to be continuing. Several ODIHR NAM interlocutors noted the

²⁸ See the campaign finance information [page](#) provided by the MoI.

²⁹ The Criminal Code carries a maximum prison sentence of eight years for defamation. The planned amendments to the Criminal Code to remove imprisonment are yet to be implemented.

³⁰ According to the [research published](#) in February 2023 by The Ján Kuciak Investigative Center (ICJK), more than two-thirds of journalists in Slovakia experienced a threat or attack in the last twelve months.

³¹ The DSA applies to the regulation of online marketplaces, web-hosting and cloud services, search engines, and social media platforms. While most structures to implement the DSA are already in place in Slovakia, the national law does not yet designate the authority to co-ordinate the requirements of the DSA.

³² In February 2023, the Act on the Radio and Television was amended, replacing the license fee-based model with direct financing from the state budget. In December, the budget was reduced from 0.17 to 0.12 per cent of the GDP, or from 186 to 131 million EUR (or by 30 per cent of the total budget). RTV informed the ODIHR NAM that the resulting *de facto* reduction in resources will, for now, not impact core programming and elections coverage but will impact the variety of additional content, coverage of events and plans to modernize equipment.

³³ See the December 2023 [open letter by several media organizations to the National Council](#).

³⁴ This includes media outlets TV Markíza, Denník N, Denník SME and Aktuálny. See the [report](#) by the European Centre for Press and Media Freedom.

negative impact this has on voter information and the quality of political discourse. Some raised concerns about the decision of the government to discontinue or reduce capacity within the government office and some ministries to fight against disinformation and hybrid threats.

By law, the public broadcaster must allocate up to one hour to each candidate but no more than ten hours in total on radio and television. In addition, the RTVS must allocate up to 10 hours for election-related programmes on both TV and radio, including debates. Private broadcasters may allocate up to 30 minutes of paid time to each candidate, up to a total of 10 hours. The law provides that public and private broadcasters must ensure equal prices and access for all candidates to paid advertising.

The Council for Media Services oversees some aspects of the work of broadcasters and monitors and evaluates the state of the media environment, especially with regard to the spread of hate speech and disinformation, and co-operates with online platforms related to sharing content. The council monitors specific political and pre-election TV programs for compliance with the law and can initiate administrative proceedings *ex officio* or in case of complaints.³⁵

I. ELECTION DISPUTE RESOLUTION

The law does not provide specific mechanisms for the resolution of most election-related disputes. No expedited timeframes are envisaged except in voter and candidate registration cases. Campaign-related complaints may be lodged with the MoI. The SEC hears appeals against the MoI decisions related to campaign and campaign finance. There are no specific deadlines for campaign-related complaints, and the MoI and the SEC typically review the complaints after the elections. Appeals against MoI and SEC decisions can be lodged with the administrative court, who apply general administrative procedures and deadlines. Complaints on a decision of the Speaker of Parliament to refuse registration of a candidate can be filed with the SAC within three days of the decision, and the court has five days to make a final decision.

The Constitutional Court examines the constitutionality and legality of election results based on petitions that may be submitted after their announcement. While there are no expedient deadlines, the Court informed the ODIHR NAM that in practice, it considers these petitions in an expedient manner.³⁶ If the Court declares the election invalid, the Speaker must call a new election within 30 days. The results can be challenged only by the candidates who gained at least five per cent of the votes, the Prosecutor General, and citizens' nomination committee or the MPs who had submitted a valid presidential candidacy proposal.³⁷

None of the ODIHR NAM interlocutors expressed concerns about the resolution of election disputes related to election results, but some stated that the lack of expedient deadlines for campaign-related complaints might not provide a timely remedy for addressing possible violations.

³⁵ The council informed the ODIHR NAM it initiated 7 cases against the several broadcasters in relation to the 2023 elections, but the proceedings are yet to be finalized.

³⁶ Article 162 of the Law on the Constitutional Court leaves an ambiguity whether the stipulated 90-day deadline is for the Court to rule on the complaint or to decide on the admissibility of the motion for the commencement of proceedings. The Constitutional Court informed the ODIHR EAM that appeals concerning results should generally be adjudicated within 90 days but acknowledged that this deadline is not binding on the Court.

³⁷ In its previous decisions, the Constitutional Court clarified that the possibility to contest results applies to both rounds of elections, i.e., the first-round contestants may challenge the election process as a whole, regardless of the run-off.

J. CITIZEN AND INTERNATIONAL OBSERVERS

The Elections Act explicitly allows international observers to observe the voting and counting processes. Despite a previous ODIHR recommendation, the law does not provide for observation of other stages of the electoral process, such as tabulation of results DEC level or observation of the candidate registration process. There is no accreditation process in place. The SEC has a previously established practice of permitting citizens and international observers to observe their sessions. None of the civil society organizations that ODIHR NAM met with plans to observe election-day procedures, but some intend to monitor the campaign in the traditional and online media, including the use of campaign rhetoric and intolerant language, while some will monitor campaign finance aspects.

IV. CONCLUSIONS AND RECOMMENDATIONS

Most ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. While all ODIHR NAM interlocutors welcomed the presence of international observers, most remarked that a comprehensive election observation activity is not necessary. Several interlocutors pointed to deficiencies in the regulation of campaign finance and issues related to the campaign rhetoric, as well as coverage of the campaign in the media, including online. Some ODIHR NAM interlocutors also noted trends of pressure and reduced financial support of the state in the work of civil society organizations. Based on this, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 23 March presidential election to assess the conduct of the election campaign, including in the media and the campaign finance framework.

ANNEXE: LIST OF MEETINGS

Officials and Institutions

Ministry of Foreign and European Affairs

Peter Hulényi, Director General for International Organizations and Human Rights
Michal Vančo, Department for Disarmament and Counter-terrorism

Office of the President

Juraj Ševella, Political Affairs Department
Andrej Schulcz, Political Affairs Department
Romana Gulášová, Legislative Department

Constitutional Court

Miroslav Babják, Director, Judicial and Analytical Activities
Mária Siegfriedová, Director, Foreign Relations

Supreme Administrative Court

Pavol Nad', President of the Court
Juraj Vačok, Judge and President of the Panel

State Commission for Elections and Control of Financing of Political Parties

Eduard Burda, President of the Commission
Marian Giba, Member

Office of the Speaker of Parliament

Martin Mucha, Member, Office of the Speaker

Ministry of Interior

Eva Chmelová, Director, Department for Election, Referendum and Political Parties

Ministry of Culture

Ivana Maláková, Director, Media Law and Audiovision
Željko Sampor, Media Expert

Statistics Office

Jozef Brinda, Head of Elections Department
Ivan Čemez, Elections Department

National Centre for Human Rights

Zuzana Pavlíčková, Head of Policy and International Affairs
Katarina Medľová, Policy Officer

Public Defender of Rights

Róbert Dobrovodský, Public Defender
Roman Lysina, Head of Legal Section

Commissioner for Persons with Disabilities

Zuzana Stavrovská, Commissioner
Eva Arnoldová, Lawyer

Plenipotentiary for Roma Communities

Alexander Daško, Plenipotentiary
Alexandra Rigóová, Executive Director
Ivan Šterusky, Legislative Co-ordinator

Political Party Representatives

Ján Horecký, Christian Democratic Movement (KDH)
Miroslav Čellár, MP, Hlas-SD
Paula Puškárová, MP, Hlas-SD
Dušan Tittel, MP, Hlas-SD
Branislav Vančo, Progressive Party
Igor Matovič, MP, Slovensko-Za ľudí-KÚ
Peter Pollák, MP, Slovensko-Za ľudí-KÚ
Michal Šípoš, MP, PK Slovensko-Za ľudí-KÚ
Jozef Pročko, MP, PK Slovensko-Za ľudí-KÚ
Roman Mikulec, MP, PK Slovensko-Za ľudí-KÚ
Marek Krajčí, MP, PK Slovensko-Za ľudí-KÚ
Marian Saloň, MP, SMER-SD
Marian Kéry, MP, SMER-SD

Media Organizations

Council for Media Services

Marta Danielová, President of the Council
Anikó Dušíková, Member
Martin Dorociak, Director
Ján Hurtík, Researcher, Analytical Department

Radio and Television of Slovakia

Mária Hlucháňová, Director of the TV News Section
Slavomíra Kubíčková, Head of International Relations Department

Civil Society Representatives

Rast'o Kužel, Executive Director, MEMO98
Ivan Godársky, Media and Legal Expert, MEMO98
Ľuboš Kostelanský, Project Co-ordinator, Transparency International
Katarína Klingová, GlobSec
Xénia Makarová, Stop Corruption Foundation

International Community³⁸

Representatives of diplomatic missions of Belgium, Canada, Cyprus, the Czech Republic, Estonia, Finland, Germany, Luxembourg, North Macedonia, Poland, Romania, the Russian Federation, Slovenia, Sweden, Switzerland, Türkiye and the United States.

³⁸ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Slovakia.