

71
CONSTITUTIONAL ACT
of February 8, 2012
which amends the Constitutional Act No. 1/1993 Coll., the Constitution of the Czech Republic as amended by subsequent constitutional acts

Parliament has enacted the following Constitutional Act of the Czech Republic:

Article I

The Constitutional Act No. 1/1993 Coll., The Constitution of the Czech Republic as amended by the Constitutional Act No. 347/1997 Coll., the Constitutional Act No. 300/2000 Coll., Constitutional Act No. 395/2001 Coll., Constitutional Act No. 448/2001 Coll., Constitutional Act No. 515/2002 Coll., and Constitutional Act No. 319/2009 Coll., is amended as follows:

1. Article 54 paragraph 2 shall read:

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

2. Article 56 shall read:

„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 of the Parliament 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 of the Parliament of the Czech Republic 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 Chairperson of the Chamber of Deputies of the Parliament.”.

3. Article 58 reads as follows:

„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.”.

4. In Article 59 paragraph 1 and in Article 61 the wording „Chamber of Deputies of the Parliament“ is replaced by the wording „Senate of the Parliament“.

5. In Article 62 letter g) the wording „, ordered that the criminal proceedings not be instituted or if it has been instituted, that it be discontinued” is stricken off.

6. In Article 62 at the end of wording of provisions letter k) the semicolon is replaced by a period and the letter l) is stricken off.

7. In Article 63 paragraph 1 after letter i) a new letter j) is added in the following wording:

“j) orders that the criminal proceedings not be instituted or if it has been instituted, that it be discontinued.”.

The existing letter j) is designated as letter k).

8. In Article 65 paragraph 1 shall read as follows:

“(1) The President of the Republic may not be taken into detention, criminally prosecuted, nor prosecuted for misdemeanors or other administrative offense while in his office.”.

9. In Article 65 paragraph 2 shall read as follows:

“(2) The Senate of the Parliament may with the Consent of the Chamber of Deputies of the Parliament lodge a constitutional charge against the President of the Republic for high treason, gross violation of the Constitution or other segment of the constitutional order before the Constitutional Court; treason is deemed to mean any conduct of the President of the Republic directed against the sovereignty and integrity of the Republic as well as against the democratic order of the republic. Based on the constitutional action the Constitutional Court may hold that the President shall lose the Presidency office and any further eligibility for the office.”.

10. In Article 65 paragraph 3 shall read as follows:

“(3) For the Senate to admit the proposal for constitutional action the consent of three-thirds majority of the votes of the present senators is required. For the Chamber of Deputies of the Parliament to issue the consent with the filing of constitutional action a three-thirds majority of the votes of all deputies is required: shall the Chamber of Deputies of the Parliament fail to grant the consent within three months from the day when the Senate seeks the consent the consent shall be deemed withheld.”.

11. In Article 66 sentence one the words “Article 63 paragraph 1, letters a), b), c), d), e), f), h), i), j)” are replaced by wording “Article 63 paragraph 1, letters a) to e) and h) to k), and”.

12. In Article 66 sentence two the words “Article 62, letters a), b), c), d), e), k) and l)” are replaced by wording “Article 62 letters a) to e) and k) and further Article 63 paragraph 1 letter f) if the announcement of the election for the Senate is concerned” and at the end of the Article words are added “who is also in charge of the office of the Presidency at the time when the Prime Minister is in charge of the designated functions of the President of the Republic pursuant to Article 63 paragraph 1 letter f), if the announcement of the election for the Chamber of Deputies of the Parliament is concerned.”.

13. In Article 87 paragraph 1 at the end of letter k) the semi colon is replaced by a period and letters l) and m) are stricken off.

Article II **Efficiency**

This Constitutional Act came into effect on the day of October 1, 2012 with the exemption of provisions of Article 8 to 10 which come into effect on March 8, 2013.

Němcová m.p.
Klaus m.p
Nečas m.p