

**CODE OF ELECTORAL PROCEDURE FOR THE ACADEMIC SENATE OF THE  
FACULTY OF LAW OF CHARLES UNIVERSITY \***

*under sections 27 (1) (b) and 33 (2) (b) of Act No. 111/1998 Sb., to regulate higher education institutions and to change and amend other laws ("the Higher Education Act"), as amended, the Academic Senate of the Faculty of Law of Charles University adopted the following Code of Electoral Procedure for the Academic Senate as its internal regulation*

Article 1

**Calling Elections**

- (1) The Academic Senate of the Faculty of Law of Charles University ("the Senate") calls elections so that the regular election takes place no later than 15 days before the end of the term of office of its members.
- (2) At the same time, the Senate determines a reasonable time for proposing candidates.

Article 2

**Proposals for Candidates**

- (1) Candidates may be nominated by members of the academic community of the Faculty of Law ("the Academic Community"). A member of the Academic Community may also stand as a candidate based on his own proposal.
- (2) Nominations for candidates must be in writing and must include:
  - a) The name of the candidate;
  - b) The faculty unit at which the candidate works, or, in the case of students, the year of study;
  - c) The signature of the nominator;
  - d) The nominee's consent to the candidacy.
- (3) Nominations are to be submitted to the Electoral Commission of the Senate.

Article 3

**Electoral Commission**

- (1) For the purposes of conducting elections, the Senate establishes an Electoral Commission, consisting of at least three members, which elects its chair from among its members.
- (2) Nominated candidates cannot be members of the Electoral Commission.

Article 4

**Consideration of Nominations**

- (1) Upon expiration of the period for submitting nominations, the Electoral Commission will consider the nominations received. Where a nomination is incomplete or unclear, the Commission will invite the nominator to complete it.
- (2) The Electoral Commission will remove from the list of candidates persons who are not members of the Academic community at the moment of expiration of the period for submitting nominations for candidates, who perform office incompatible with membership in the Senate, and those who, despite being so requested under paragraph 1, have not consented to their candidacy or who have subsequently withdrawn their candidacy.

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\* Translator's note: Words importing the masculine include the feminine, and unless the context otherwise requires, words in the singular include the plural and words in the plural include the singular.

- (3) After the consideration of nominations under paragraphs 1 and 2, the Electoral Commission will prepare and publish the list of candidates. In compliance with the Constitution of Charles University, representatives of the student body are allocated 10 mandates and representatives of the academic staff are allocated 11 mandates.
- (4) The academic staff curia elects 11 senators from among their members. Each member of the academic staff may mark no more than 11 candidates on their ballot papers.
- (5) The student curia elects 10 senators from among their members. The first to fifth year of study in the master's programme are each allocated two mandates. Students in higher than fifth year in the master's study programme and students in doctoral study programmes exercise their right to vote along with students in the fifth year of the master's study programme. Each year of study has its own list of candidates and elects their representatives separately. Each student may mark no more than two candidates on their ballot paper.

#### Article 5

##### **Course of Elections**

- (1) In the polling station or other places reserved for elections, there must be a possibility to mark the ballot papers in such a way that a secret ballot is preserved.
- (2) A voter will prove his identity to the members of the Electoral Commission present.
- (3) Each voter may use only one ballot paper. If the voter is a member of the academic staff and a student of the Faculty of Law ("the Faculty") at the same time, he can vote and be elected only in one curia. If such person is a candidate in one curia, he does not have the right to vote in the other curia. If such person is not running as a candidate, he will inform the Electoral Commission when proving his identity in which curia he intends to vote.
- (4) If a voter marks more candidates in his ballot paper than permitted, or if there is any uncertainty with respect to the marking, the vote is invalid.

#### Article 6

##### **Election Results**

- (1) After the closing of voting the Electoral Commission will count the votes and will record in the report on the elections whether the votes were valid. The mandates are allocated in compliance with Article 4 (4) and (5) based on the number of votes cast in favour of individual candidates. Mandates allocated to a list of candidates will be assigned to candidates listed therein according to the number of votes that have been cast in their favour. If there is an equal number of votes, a decision is made by drawing lots.
- (2) Candidates who have not been elected but received at least 15% of valid votes, or such a number of votes which exceeds one half of the votes received by the last elected candidate, become substitute members in a succession according to the number of votes they obtained. If there is an equal number of votes, a decision is made by drawing lots.
- (3) The results of the election are announced by the chair of the Electoral Commission who will also convene the first meeting of the Senate in the new term of office of its members, at which the chair of the Electoral Commission will deliver certificates of election to the elected members of the Senate.
- (4) A voter may file a complaint against the preparation, course, and results of the elections with the Electoral Commission within eight days of the date of publication of the election results. The complaint must be in writing and must state reasons for the complaint. The Electoral Commission will consider the legitimacy of the complaint within 14 days of the date on which it received the last complaint.

#### Article 7

##### **Re-done Elections**

- (1) If within the framework of its activities or based on a legitimate complaint the Electoral Commission comes to the conclusion that there was a mistake that may have affected which person was elected, the Commission will determine in which curia or year of study the election should be re-done.
- (2) Elections cannot be re-done on the grounds given in paragraph 1 if a member of the Senate has already obtained a written certificate of having been elected.
- (3) A decision to re-do the election is made by the Electoral Commission.
- (4) The provisions on elections apply to re-do elections with the necessary modifications.

#### Article 8

##### **Cessation of the Mandate**

- (1) Membership in the Senate terminates prior to the expiration of the term of office if a member resigns his membership or ceases to be a member of the Academic Community. A member of the Senate may resign his membership in the Senate by delivering a written notice of resignation to the President of the Senate; the resignation is effective as of the date of delivery of the notice.
- (2) If a position of Senator falls vacant, it is assumed by a substitute member from the same list of candidates.
- (3) If a resigning member so requests at the time of handing in his resignation, he is, after the substitute member assumes his vacancy, placed as the first substitute member from the relevant list of candidates.
- (4) If, during the term of office, the number of members of the Senate decreases by more than four members and there are no substitutes to assume the vacancies, the office of all members terminates and the Dean will announce new elections within 30 days.
- (5) A member of the Senate who was elected as a student, duly completed his master's programme of study, and applied for enrolment in the doctoral programme of study may declare in writing that he intends to remain a substitute member. The statement must be delivered within seven days of the date of completion of the study to the President of the Senate. In such case the first substitute in succession will be called to the Senate only after the enrolment of such applicant for study, or the following substitute member in succession will be called to the Senate after the legal effect of a decision on non-admission of the applicant to the study, however, no later than four months after the date of delivery of the statement. If the applicant is not admitted to study within said period of time, he will cease to be a substitute member.

#### Article 9

##### **By-elections**

- (1) By-elections are held if:
  - a) It is not possible to allocate mandates in compliance with Article 4 (4) and (5) according to the number of votes obtained by candidates;
  - b) There is no substitute member to a vacancy in the Senate or all substitute members have refused the call.
- (2) In situations under paragraph 1 (b), by-elections do not need to be held if the vacancy occurred within the last nine months of the term of office of a member of the Senate, and if the Senate so resolves.

#### Article 10

##### **Transitional Provision**

Article 50 of the Constitution of the Faculty of Law of Charles University also applies to persons who became substitute members before the date of effect of this Code.

Article 11

**Final Provisions**

- (1) Articles 1 to 6 of the Code of Electoral Procedure approved by the Academic Senate of the Faculty on 12 May 1999, as changed by the amendment approved by the Academic Senate of the Faculty on 20 June 2008, are hereby repealed.
- (2) This Code was approved by the Academic Senate of the Faculty on 25 May 2017.
- (3) This Code of Electoral Procedure comes into force on the date of approval by the Academic Senate of Charles University.<sup>1</sup>
- (4) This Code of Electoral Procedure becomes effective on the date of approval by the Academic Senate of Charles University.

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<sup>1</sup> The Academic Senate of Charles University approved this Code of Electoral Procedure on 2 June 2017.