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COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
237 HOUSE OFFICE BUILDING ANNEX 2
WASHINGTON, DC 20515

(202) 225-1901

REPORT ON THE ELECTIONS IN THE CZECH AND SLOVAK FEDERAL REPUBLIC

for
the Federal Assembly and
the Czech and Slovak National Councils
8-9 June 1990

Prepared by the Staff of the
U.S. Commission on Security and Cooperation in Europe
20 June 1990

This report is based on the findings of a staff delegation of the Commission on Security and Cooperation in Europe to the Czech and Slovak Federal Republic from 6-11 June 1990. The staff met with representatives of several political parties and movements, as well as of the Electoral Commission. It also observed the voting and some aspects of the counting of ballots. The Commission wishes to thank the National Democratic and National Republican Institutes for International Affairs for allowing the staff delegation to be included in the activities of their international election observer mission to the Czech and Slovak Federal Republic.

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I. HIGHLIGHTS

-- On 8-9 June 1990, Czechoslovakia (formerly the Czechoslovak Socialist Republic, now known as the Czech and Slovak Federal Republic) held its first free and open elections since 1946. The elections were held without significant fraud or irregularities and the results appear to represent the will of the people.

-- The elections took place as the 35 countries participating in the Conference on Security and Cooperation in Europe (CSCE), including the Czech and Slovak Federal Republic, were considering new standards on free elections and provisions for international and domestic observation of elections at the Copenhagen Meeting of the CSCE Conference on the Human Dimension. At this meeting, Czechoslovak Foreign Minister Jiri Dienstbier endorsed the principle of free elections.

-- In spite of the explosion of a home-made pipe bomb in Prague just one week before the elections, as well as other bomb threats in Prague, Brno, and Ostrava just prior to and during the elections, approximately 95 percent of the country's 11.42 million voters turned out for the elections, with extremely heavy voting early on the first day. Individual voters, as well as party representatives, consistently expressed to observers their conviction that the electoral process, on the whole, was free and fair.

-- In the elections, 22 parties contested for 300 places in the Federal Assembly, or national parliament: 150 seats in the House of Nations (75 each from the Czech Lands and from Slovakia), and 150 seats in the House of People. Parties also vied for 200 seats in the Czech National Council and 150 seats in the Slovak National Council.

-- Only a few parties received the required minimum 5 percent of the vote to be seated. Civic Forum and Public Against Violence received the greatest support, gaining approximately 46 percent of the vote between them. The Communists received just under 14 percent of the vote.

-- The electoral process -- including the campaign, registration of parties and voters, actual voting, and tallying of results -- took place without major incident. There were some reports of minor irregularities, but they did not undermine the validity of the results. Indeed, individuals and party representatives who complained of errors or infractions of the electoral law also emphasized that the integrity of the process as a whole remained intact.

II. THE POLITICAL CONTEXT

As in the other countries of Eastern Europe, the elections held in Czechoslovakia this year are of special interest because they were not ordinary elections. They were extraordinary because of: the events which led to their being held at all; their timing (i.e., they were held out of the previously established sequence for federal elections); and the conditions under which they took place.

During the 1980's, while Hungary and Poland seemed to compete with each other in their efforts to push the edge of Moscow's control eastward and to implement democratic reforms at home, Czechoslovakia remained a bastion of old-guard control. The rise to power in 1985 of the reformist Soviet leader, Mikhail Gorbachev, added external pressure to the already developing grass-roots movement towards democratization in much of Eastern Europe, and by 1987 even Bulgaria began to evidence signs of change. In the fall of 1989, thousands of East Germans, after decades of being contained behind artificial barriers, burst westward in a massive exodus which would leave the Berlin Wall crumbled in their path. In spite of these developments, the Communist leadership in Prague remained insensitive to the increasing drive for democratic reform, from both within and outside of the country.

The "Velvet Revolution" -- as the events in Czechoslovakia during the fall of last year have come to be known -- began on 17 November 1989. On that day, Charles University students in Prague held a demonstration to commemorate the death of a student who had been beaten to death by the Nazis more than 45 years ago. By that afternoon, the peaceful demonstration had turned into a confrontation between the students and police. The authorities' response was particularly brutal, fueling rumors that a student had been clubbed to death. The rumors turned out to be untrue; later reports claimed that the story was either engineered by the authorities to discredit human rights organizations monitoring such events or by Communist reformers who, in league with their like-minded counterparts in Moscow, sought to replace the hard-line leadership with one more sympathetic to the reforms of President Gorbachev in the Soviet Union. Nevertheless, the ruthless police actions on the 17th triggered massive protest demonstrations; the demonstrations grew each day, and each day spread to more cities.

On 19 November, a new group emerged, calling itself Civic Forum. Its Slovak counterpart, Public Against Violence, was founded the next day. Both represented a broad range of opposition in Czechoslovakia and, together, acted as a political umbrella uniting those opposed to the Communist regime. The authorities responded to the demonstrations and to the new movements by stalling, offering half-measure reforms. Finally, on 27 November, Civic Forum and Public Against Violence organized a 2-hour work stoppage, estimated to have involved as many as six million workers or 75 percent of the workforce, which paralyzed the country, proving they were forces with which to be reckoned.

Additional reforms were implemented in the Federal Assembly, Czechoslovakia's national parliament, after a number of Deputies resigned in late December. In early January 1990, roundtable negotiations between the Communist leadership and the former opposition resulted in an agreement providing for the recall of more than 100 old-guard Deputies. By the end of January, 120 new Deputies were brought into the Federal Assembly. On 27 February, the new and improved Federal Assembly passed an electoral law which called for parliamentary elections to be held on 8 and 9 June.

III. THE PARTIES

Prior to the "Velvet Revolution" of November 1989, there were five officially tolerated political parties: the Communist Party of Czechoslovakia, and four subservient parties -- the Socialist Party, the People's Party, the Democratic Party and the Freedom Party -- which joined the Communists in a "National Front." But within a few months of the Revolution, over 40 parties were registered. Some of these were newly formed, while others were parties which existed legally during some earlier period in Czechoslovak history but were outlawed during the last four decades and had re-emerged. The National Front suspended its activities on 7 February and is now defunct; some of its members have re-structured in the hope of gaining legitimacy lost by collaborating for years with the Communists. The political spectrum ranged from the left to the right. Civic Forum and Public Against Violence remained "movements" rather than parties.

Of the 23 parties registered to compete in the elections, 22 parties were registered in the Czech Lands, and 15 parties were registered in Slovakia. The key parties, along with their commonly used Czech or Slovak initials, were:

Civic Forum (OF) and Public Against Violence (VNP): Founded on 19 and 20 November 1989, respectively, Civic Forum in the Czech Lands and Public Against Violence in Slovakia present themselves as movements which bring under their umbrella a variety of groups and organizations. They seek a pluralistic democracy, some kind of market economy, and radical ecological measures. The chief spokesperson for OF has been President Vaclav Havel. Among those parties which ran candidates on the OF/VPN slate are the Civic Democratic Alliance, the Czechoslovak Democratic Initiative, the Left Initiative, the Movement for Civil Liberty, *Obroda* (Rebirth), and the Pan-European Union.

The Communist Party of Czechoslovakia (KSC): Founded in 1921, this party held sufficient popularity to win a plurality of the votes in Czechoslovakia's last free elections in 1946. In 1948, the KSC took over the government in a coup and subsequently held tight control over all aspects of society until last fall. The Communists' anti-democratic history shadowed them throughout the pre-election period.

IV. THE ELECTION LAW

Everyone who doesn't vote, votes for totalitarianism.

Get-out-the-vote poster, Prague

On 27 February 1990, the Czechoslovak Federal Assembly adopted a new electoral law. It is generally understood that this law is an interim law for the next 2 years, during which time Deputies seated as a result of this year's election will serve. It is expected that a revised electoral law, reflecting the experiences gained in this election, will be passed prior to the next elections. Its main provisions are described below.

Who can run: Under the new law, there is no provision for individuals *qua* individuals to run for office. Rather, voters are restricted to voting for slates of candidates provided by parties. To participate in the elections, a party, which could be a coalition of parties or a "movement" such as Civic Forum, is required to submit a list of 10,000 names of members or of members plus voters endorsing the party's participation in the elections. A party can choose to include on its list both independent candidates as well as candidates identified by a particular party affiliation. Any qualified voter who is 23 years of age or older may be a candidate. The lists of candidates are made available to the public by a specified date prior to the elections.

Who can vote: All Czechoslovak citizens 18 years of age or older may vote. Czechoslovak citizens living abroad may vote if they hold valid Czechoslovak passports and return to Czechoslovakia to vote. There is no provision for absentee voting outside the country, although there are provisions for absentee voting within the country. Prisoners eligible to vote may vote where they are incarcerated. Soldiers may vote where they are stationed. Provisions are made for the sick and infirm to vote where they reside.

When voting takes place: Polling stations are open for two days: from 2 p.m. until 8 p.m. on Friday, 8 June, and from 7 a.m. until 2 p.m. on Saturday, 9 June.

Access to Media: All parties have 4 hours of free television time, and 4 hours of free radio time. Campaigning is permitted to begin 40 days prior to the elections, and must end 48 hours before the elections.

Funding: Parties failing to win at least 2 percent of the vote do not receive any state funding. Those which receive more than 2 percent receive 10 Czechoslovak crowns from the state for each vote received. There is no bar on receiving funding from abroad.

V. THE ELECTION PROCESS

> *It seems to me the longer someone is humiliated, the longer he serves against his conscience, the longer he allows himself to be pushed to a breaking point, the more he accumulates a certain kind of anger in him -- anger not only toward the one who humiliated him, but anger toward himself. When the iron band of the encasement, of the humiliation, bursts open, then such a person starts suddenly shouting very loudly. But he shouts so loudly to drown his own guilty conscience. He is shouting simply to compensate for his own long humiliation and the fact that he has not been able to oppose in any way.*
>
> President Vaclav Havel, at a public rally in Liberec, 23 May 1990

Who could run: The were no complaints that the provisions regarding the registration of parties and establishment of candidate lists were unfair, either in theory or in practice. However, in some cases the candidate lists which had been made available to the public before the elections had been changed prior to the actual election, due to the withdrawal of certain candidates and their replacement by others. Voters may not have had corrected lists by the time they voted.

Who could vote: There was some dissatisfaction with the prohibition on any absentee voting by persons not in Czechoslovakia. For example, Czechoslovak diplomats or students in foreign countries had no opportunity to vote. This provision of the electoral law, however, appears to have been the result of roundtable negotiations between the former, Communist leaders and the former opposition. It may be altered for the next elections.

There was concern prior to the elections that voter registration lists would have significant inaccuracies. In fact, there was no evidence that the provisions for establishing the voter registration lists, as well as for correcting the lists, were inadequate.

When voting took place: Polling places were open for 2 days in order to make voting convenient for the maximum number of people and to help "get-out-the-vote." As it happened, turnout was extremely heavy during the first part of the first day, and as many as 85 percent of the voters may have voted by the close of the polls on the first day. In some polling stations, observers were told, ward commissioners opened early because of lines of voters which formed in the rain as early as an hour before the scheduled opening.

Access to Media: Although the election law nominally provided for equal access to television and radio, there were allegations that state-run media, controlled by persons associated with Civic Forum and Public Against Violence since the governmental changes earlier in the year, showed bias toward these two groups. Given that the Czech and Slovak Federal Republic is only beginning the transition to a free press, the role of the official media is greater than it might be in other countries, or than it is likely to be in the future.

Electoral Commissions: Ward commissions were to be made up of not less than three members, with the possibility that every registered party could have one delegate on the commission. However, as a practical matter, many parties were simply too small to have enough delegates for each commission.

In some wards, Civic Forum delegates were not permitted to be seated on the commissions. Although all parties involved seemed to agree on the rules governing the seating of commissioners, there were disputes as to the facts of the specific situations. Thus, for example, at one polling station, the commission chairperson maintained that Civic Forum had failed to submit its request to have its delegate on the commission by the required deadline. A Civic Forum representative present disputed this and said the request was made by the deadline.

In some wards, commissioners maintained they were from the National Front which, in fact, had suspended its activites some months earlier and, for the purposes of the electoral law, has no legal standing. Likewise, some commissioners maintained they represented local social or civic organizations (e.g., the Hunters' Club). Such organizations had no right to be represented on the ward commissions.

Voting: The voting process went remarkably well and as provided for by law. Of all the steps involved in the voting, the only one which seemed to cause any significant problem was the placing of the ballot in the correct box. At each polling site, there were two kinds of boxes: a sealed box for ballots, and a box for unused ballots. Although the boxes for unused ballots were clearly marked, many of the first voters confused the two boxes and placed their envelopes in the wrong box. According to reports, this confusion was widespread when the polls first opened on Friday. However, ward commissioners quickly responded to the problem by alerting voters to the distinction between to the two boxes as they came in, and sometimes by moving the boxes to different locations in the room (e.g., by placing the "discard" box away from the voting booth and closer to the exit door).

Counting: Observers watched local wards tally votes. There was no evidence of fraud or significant problems in the counting of votes.

Who could win: There seemed to be a general consensus among the parties that the threshold required for a party to seat candidates -- that it must have 10,000 members and/or supporters, and that it must win at least 5 percent of the vote -- were necessary to avoid the Federal Assembly from being split into too many tiny factions. The preference system, by which voters could reorder the candidate lists, seemed to be a non-issue.

Complaints: There were no complaints that the complaint system was inadequate *per se*; rather, there was a realization that, as a practical matter, complaints arising just before or during the election were unlikely to be resolved in time to effect the elections. As a consequence, parties will likely raise any problems they may have had with the existing process when work begins on a new electoral law.

VII. CONCLUSIONS

I know what free elections are -- I voted in the elections in 1946.

Statement reportedly made by Vasil Bilak, former high-ranking Czechoslovak Communist Party official, as he cast his vote on 8 June. As of this writing, he is under investigation for his role in supporting the Soviet invasion of Czechoslovakia in 1968.

For the most part, the elections in Czechoslovakia represent a success: although no single party came out strong enough to control the National Assembly completely, Civic Forum and Public Against Violence have the basis to build a coalition government capable of effectively managing the ongoing process of democratization and economic reform. This situation is not tainted by allegations of fraud. Two of the seven parties with Assembly seats -- Civic Forum/Public Against Violence and the Christian and Democratic Union/Movement -- stated that they would refuse to form a coalition with two others, the Communists and the Slovak Nationalist Party, but the latter two seem to lack the strength, either alone or together, to block the functioning of government.

Remarkably, there were several steps in the electoral process in which serious problems could have occurred -- and in some cases were anticipated -- but did not materialize. This may reflect the strong willingness on the part of society as a whole to make these elections work. Indeed, the high degree of confidence in the elections, consistently expressed to observers by voters, parties and election officials, was striking.

Two questions were left unanswered by the end of the process, awaiting resolution at some future time. This first was the degree to which foreign assistance to political parties is acceptable in general and will be permitted in the future. Several parties participating in these elections received considerable foreign financial support. Although there was some criticism of this, there seemed to be a consensus that, at least in the short-run, such assistance was a tolerable way to balance the residual effects of the Communists' former monopolistic control over society, particularly the economic advantage enjoyed by the Communists resulting from the material wealth they expropriated from the Czechoslovak government during their reign.

The more difficult question involved the relationship of society to the secret police. Throughout the election process, allegations that some candidates were formerly associated with or had worked for the secret police shot back and forth between several parties. In fact, last minute revelations led at least one prominent candidate to withdraw his candidacy, and possibly impacted on voting patterns.

There are several aspects of this situation which make such allegations particularly serious. Because some secret police records have been destroyed, it may be impossible to determine with certainty the accuracy of reports that specific individuals had cooperated with the secret police, and merely making such an allegation may ruin someone's future. More importantly, the question of how Czechoslovak society heals the open wounds between the former oppressors and the formerly oppressed may determine the degree and speed of the entire democratization process.