

Abstract

The main aim of this thesis is an introduction into the basic principles of electoral law and instruments of their protection, especially through the judicial power, in the local elections. The right to participate on public affairs is one of the fundamental attributes of the citizens of a democratic state. Its protection through independent and impartial courts is very important.

The first chapter sets out rights relating to elections into municipal councils. The second chapter explains the stages of the electoral process, including examples of selected court decisions related to some institutes.

The third chapter deals with the protection of public subjective rights in the election judiciary. The protection is provided to political rights of voters, political parties, candidates and elected members of representative bodies. There is a brief mention about the protection that has been previously provided by civilian courts. In accordance with the system of the Judicial Administrative Procedure Code I discuss four particular types of proceedings – proceedings in matters of electoral rolls, proceedings in matters of registration of candidates, proceedings in matters of invalidity of elections and voting and proceedings concerning termination of the mandate. The third type of procedure, judicial review of election, is the very core of the electoral judiciary. It is often reflected by the professional literature. On the contrary, proceedings related to the mandate are often neglected by experts. Subsequently, I focus on possible violations of law in three important cases – division of the municipality on several constituencies, buying votes and relocation of new voters into small communities. These problems have been objects of decisions of the Constitutional Court in the year 2011. The division of the municipality into more constituencies is not unconstitutional, until it doesn't exceed certain limits, which would fundamentally violate equal voting rights and free competition of political forces. In cases of bribing voters, the decisions of the Constitutional Court has contributed significantly to protection against such practices.

There is a mention about the possibility of punishment of electoral delicts through an administrative punishment and criminal law in the last chapter.