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# REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: SLOVAKIA

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# Report on Political Participation of Mobile EU Citizens

## Slovakia

*Jana Kazaz\**

### Abstract:

Non-resident Slovak citizens have the right to vote in national elections by registering through a written petition; they may exercise this right only through postal voting. They do not have the right to stand as candidates in national elections, nor to vote from abroad or stand as candidates in European Parliament elections in Slovakia. Non-citizen residents from the EU have the right to vote and to stand as candidates in European Parliament elections and – along with third-country nationals – to vote and stand as candidates in local elections in Slovakia. For the former elections, voter by written petition registration is necessary, whereas for the latter voter registration is automatic on the basis of residence. The most important challenge for the electoral participation of non-citizen residents is the high threshold for fulfilling the condition of permanent residence in combination with the double-requirement of still needing to register with the municipality to vote in EP elections. The key challenge for non-resident citizens is their limited access to electoral rights, as they are not entitled to vote in Slovak local or EP elections from abroad. Furthermore their voting methods are limited only to postal voting in case of national elections. The author recommends (i) to introduce online registration for non-citizen EU residents to increase participation in the next European elections; (ii) to consider in more detail the possibility of internet voting as a remedy for tackling the extremely low electoral turnout among citizens abroad.

### Abstrakt:

Slovenskí občania žijúci mimo Slovenského územia majú právo voliť vo voľbách do Národnej Rady Slovenskej Republiky prostredníctvom pošty v prípade, že splnia podmienky písomnej registrácie. V prípade, že nemajú trvalý pobyt na Slovensku, nemôžu kandidovať do volieb do Národnej Rady, ani voliť a kandidovať do Európskeho Parlamentu na území Slovenska. Občania iných členských štátov Európskej Únie žijúci na Slovensku majú právo voliť a kandidovať vo voľbách do Európskeho Parlamentu na Slovensku a, spolu s občanmi s tretích krajín, voliť a kandidovať vo voľbách do samosprávnych orgánov obcí a krajov. V prípade volieb do Európskeho Parlamentu sa vyžaduje písomná registrácia, v prípade volieb do samosprávnych orgánov obcí a krajov je registrácia automatická, na základe registrácie na pobyt. Najdôležitejšou výzvou pre volebnú účasť občanov z iných členských štátov Európskej Únie je dĺžka času potrebného na kvalifikovanie sa na trvalý pobyt spolu s podmienkou povinnej registrácie na lokálnej úrovni na Slovensku na účely volieb do Európskeho Parlamentu. Najdôležitejšou výzvou pre Slovenských občanov mimo Slovenského územia je ich prístup k volebnému právu, keďže nemajú právo voliť zo zahraničia v lokálnych voľbách či Európskych voľbách na Slovensku. Jedinou možnosťou voliť zo zahraničia je voľba poštou vo voľbách do Národnej Rady Slovenskej Republiky. Autorka odporúča (i) zavedenie online registrácie pre občanov z iných členských štátov Európskej únie žijúcich na Slovensku na zvýšenie ich volebnej účasti v nasledujúcich voľbách do Európskeho Parlamentu, (ii) zváženie možnosti zavedenia volieb cez internet ako riešenie extrémne nízkej účasti vo voľbách Slovenských občanov zo zahraničia.

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## 1. Introduction<sup>1</sup>

Non-resident Slovakian citizens have the right to vote only in national elections. These individuals must register for each election by sending a written petition to the Ministry of the Interior. Remote voting is possible; indeed, the only manner in which they may exercise this right is through postal voting as no provision is made for proxy voting, consular voting, or electronic voting. However, the Internet has been used to good effect in encouraging electoral participation through an online app, which facilitates registration for non-resident citizens. Citizens without permanent residence in Slovakia are not entitled to stand as candidates in national legislative elections. They are also not entitled to vote from abroad or stand as candidates in European Parliament (EP) elections. However, the electoral law admits an exception to this rule by allowing non-resident citizens to vote in EP elections if they are present in Slovakia on the polling date.

Non-citizen residents from EU Member States have the right to vote and stand as candidates in EP elections within Slovakia. They are required to register on the electoral roll by submitting a petition to their municipality of residence. The registration is automatically renewed unless the individual requests to be removed or no longer fulfils the required conditions. Non-citizen EU residents, and third-country nationals with permanent residence, also have the right to vote and stand as candidates in local elections. Their registration is automatic as the electoral lists are generated on the basis of registration of residence within the relevant municipality.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Latvia (GLOBALCIT CER 2017)

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	NO	NO	YES
Non-resident citizens	European Parliament	NO	NO	N.A.	N.A.
Non-citizen residents	Local Legislative	YES	YES	YES	N.A.
Non-citizen residents	Local Mayoral	YES	YES	YES	N.A.
Non-citizen residents	European Parliament	YES	YES	NO	N.A.

<sup>1</sup> This report builds on Kazaz, Jana. Access to electoral rights: Slovakia. EUDO Citizenship Observatory 2014/03, at <http://hdl.handle.net/1814/3386>

## 1.1 Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

Slovakia is one of the most culturally homogeneous countries within the European Union and is not considered to be a traditional destination for migrants<sup>2</sup>. Until recent years, emigration from Slovakia was higher than immigration into the country. The change came with the accession to the European Union and the Schengen Area. The International Organisation for Migration reports that, despite the fact that the increase of foreign population following the accession was the second highest from among EU Member States, the representation of foreigners in the population remains low<sup>3</sup>.

### *Non-citizen Residents*

At present, foreigners make up 1.92% of the population. From 2016 to 2017, the total number of foreigners increased by 12%<sup>4</sup>. The total number of foreigners with resident permits in Slovakia by the end of 2017 was 104,451 (see Table 1)<sup>5</sup>. Migration to Slovakia is based on social reasons, such as family reunification or marriage to a Slovak citizen, or migration for work, business and study<sup>6</sup>.

Table 2. Number of valid residence permits on 31. 12. 2016 and on 31. 12. 2017

Nationality type	On 31.12.2016	On 31.12.2017
Third country nationals	41232	50395
EU nationals	52015	54056
<b>TOTAL</b>	<b>93247</b>	<b>104451</b>

Source: *Presidium of Police Force*

The most numerous group of foreigners in Slovakia, 41% of the total, is composed of citizens of neighbouring countries: Austrians (2.3%), Czechs (10.2%), Hungarians (7.7%), Polish (5.5%) and Ukrainian citizens (15.4%). More than 22% of all migrants come from south eastern Europe: Romania (6.8%), Bulgaria (1.6%), Russia (4.14%) and Serbia

<sup>2</sup> IOM, at: <https://www.iom.sk/en/migration/migration-in-slovakia.html> (last updated 18 February 2018)

<sup>3</sup> Out of all the EU member states, Slovakia has the 6th lowest proportion of foreigners (after Bulgaria, Croatia, Lithuania, Romania and Poland).

<sup>4</sup> Increase was 11 204 foreigners in one year. Source: Bureau of Border and Alien Police of the Presidium of the Police Force (BBAP P PF) – Statistical Overview of Legal and Illegal Migration in the Slovak Republic in 2016 and 2017 (<http://www.minv.sk/?rocenky>)

<sup>5</sup> Bureau of Border and Alien Police of the Presidium of the Police Force (BBAP P PF)– Statistical Overview of Legal and Illegal Migration in the Slovak Republic – 2017, at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2017/2017-rocenka-UHCP-EN.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2017/2017-rocenka-UHCP-EN.pdf)

<sup>6</sup> Bureau of Border and Alien Police of the Presidium of the Police Force (BBAP P PF) – Statistical Overview of Legal and Illegal Migration in the Slovak Republic – 2017, at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2017/2017-rocenka-UHCP-EN.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2017/2017-rocenka-UHCP-EN.pdf)

(10.16%)<sup>7</sup>. Migrants from Asian countries, such as Vietnam, China, South Korea and Thailand make up 7.7% of all foreigners; their number amounts to more than 8000 residents. The Central Office of Labor, Social Affairs and Family reports that in 2017 there were 49,478 foreign nationals working in the Slovak Republic<sup>8</sup>. This number represents a 14 times increase since accession to the EU.

The percentage of non-national EU citizens in Slovakia is 51.8% from among all foreigners<sup>9</sup>. Out of all working foreigners in Slovakia, by May 2018 there was a total number of 30,633 employees from EU Member States<sup>10</sup>.

Table 3. Total Immigration

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
8,624	8,765	6,346	5,272	4,829	5,419	5,149	5,357	6,997	7,688

Source: EUROSTAT<sup>11</sup>

Table 4. Immigration from EU 28 countries

2013	2014	2015	2016
1,968	1,974	3,109	2,989

Source: EUROSTAT<sup>12</sup>

Table 4 indicates educational level distribution of non-national EU citizens residing in Slovakia. Most of the incoming non-nationals have finished secondary education.

<sup>7</sup> Bureau of Border and Alien Police of the Presidium of the Police Force (BBAP P PF) – Statistical Overview of Legal and Illegal Migration in the Slovak Republic – 2017, at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2017/2017-rocenka-UHCP-EN.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2017/2017-rocenka-UHCP-EN.pdf)

<sup>8</sup> Central Office of Labour, Social Affairs and Family – Employment of foreigners in the Slovak Republic, as of December 2017, at: [http://www.upsvar.sk/buxus/docs/statistic/cudzinci/2017/cudzinci\\_1712.xlsx](http://www.upsvar.sk/buxus/docs/statistic/cudzinci/2017/cudzinci_1712.xlsx)

<sup>9</sup> Bureau of Border and Alien Police of the Presidium of the Police Force (BBAP P PF) – Statistical Overview of Legal and Illegal Migration in the Slovak Republic – 2017, at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2017/2017-rocenka-UHCP-EN.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2017/2017-rocenka-UHCP-EN.pdf)

<sup>10</sup> Central Office of Labour, Social Affairs and Family – Employment of foreigners in the Slovak Republic, at: [http://www.upsvar.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page\\_id=772215](http://www.upsvar.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page_id=772215)

<sup>11</sup> Last update: 9 April 2018

<sup>12</sup> Last update: 9 April 2018

Table 5. Educational level of non-citizen EU residents working in Slovakia

Not finished primary education	172
Primary education	3267
Secondary education	18708
University education -first level	680
University education - second level	4786
University education - third level	154
Not specified	2866
<b>TOTAL</b>	<b>30633</b>

Source: Central Office of Labour, Social Affairs and Family, May 2018, TAB6<sup>13</sup>

Table 5 on gender distribution shows that there are considerably more men coming to Slovakia than women, and most of the non-nationals come to the Bratislava region (Table 6).

Table 6. Gender distribution of working non-citizen EU residents in Slovakia

Male	22465
Female	7347
Not known	821
<b>TOTAL</b>	<b>30633</b>

Source: Central Office of Labour, Social Affairs and Family, May 2018, TAB6

<sup>13</sup> Central Office of Labour, Social Affairs and Family – Employment of foreigners in the Slovak Republic, as of May 2018, at: [http://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page\\_id=772215](http://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page_id=772215)



Table 7. Geographical distribution of working non-citizen EU residents in Slovakia

Bratislava disctrict	11854
Trnava	5101
Trencin	2407
Nitra	4748
Banska Bystrica	1493
Zilina	1517
Presov	1757
Kosice	1756
<b>TOTAL</b>	<b>30633</b>

Source: Central Office of Labour, Social Affairs and Family, May 2018, TAB6<sup>14</sup>

Non-national EU citizens staying in Slovakia for a period longer than three months are obliged to apply for registration of residence after expiry of the period of three months from entering the Slovak territory.

In order to apply for a permanent residence, however, which is a precondition for a right to vote in local, regional and European elections, non-nationals have to fulfil additional conditions, including a minimum of 5 years of continuous residence in Slovakia.

In Slovakia, there are three types of permanent residence (“trvalý pobyt”), namely permanent residence for five years; permanent residence for an unlimited time period, and a long-term residence<sup>15</sup>. While the first two can be obtained only by spouses or dependent family members of Slovak citizens with permanent residence in the territory of the Slovak Republic or foreigners with permanent residence permit, a long-term residence can be obtained by a foreign national:

1. who has legally continuously resided in Slovakia for at **least 5 years directly prior to the submission of the application**,
2. whose long-term residence was previously cancelled or expired due to legally stipulated reasons,

<sup>14</sup> Centr Central Office of Labour, Social Affairs and Family – Employment of foreigners in the Slovak Republic, as of May 2018, at: [http://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page\\_id=772215](http://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2018.html?page_id=772215)

<sup>15</sup> The Act No. 404/2011 Coll. on Residence of Foreigners as amended.

3. who has had a 5-year legal uninterrupted residence in the territory of an EU Member State as a Blue Card holder<sup>16</sup> and has resided in Slovakia as a Blue Card holder for at least 2 years prior to the submission of the application.

A foreign national submits the application for permanent residence for an unlimited time period in person on an official form at the Police Authority in Slovakia. The Police Department shall decide within 90 days from submission of the application.

Non-national EU citizens are entitled to residence in the territory of the Slovak Republic for a period longer than three months, if they:

- are employed in Slovakia;
- are self-employed persons in the territory of the Slovak Republic;
- study in primary or secondary school or at a university in Slovakia;
- have sufficient financial means for themselves as well as for their family members, to prevent them from burdening the social security system during their stay and have health insurance in Slovakia;
- will potentially find employment;
- are family members of a Union citizen and are accompanying or joining them and meet the aforementioned conditions<sup>17</sup>.

Non-national EU citizens residing in the Slovak Republic are entitled to vote in EP, regional and local elections, provided that they meet the general conditions outlined above. In terms of regional and local elections the right to vote or to be elected is not limited to citizenship, but to **permanent residence**<sup>18</sup>. I believe that this requirement constitutes a major obstacle in participating in European elections.

### *Non-resident Citizens*

The Statistical Office of the Slovak Republic collects data on the migration of Slovaks. It is able to map migration only of those Slovaks that change their permanent residence. Below the table provides information first on how many citizens migrated abroad in general, then to which continent, and the rest of the table shows which countries they moved to. However, these numbers show only those people that have left Slovakia officially, which means they also cancelled their permanent residence. The Statistical Office has no data on those that left Slovakia without cancelling their permanent residence.

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<sup>16</sup> Blue Card is granted to highly qualified third country national for three years or if the work duration is shorter, for the respective time plus 90 days. Blue card entitles third country national to enter, reside and work on the territory of Slovak Republic, travel out and re-enter to Slovakia.

<sup>17</sup> The Act No. 404/2011 Coll. on Residence of Foreigners as amended.

<sup>18</sup> The Electoral Act 180/2014 on Conditions of Exercise of Voting Rights

Table 8: Official migration of Slovaks 1993 - 2017

	1993	1995	1996	1997	1998	1999	2000	2010	2011	2012	2013	2014	2015	2016	2017
World	7355	213	222	572	746	618	811	1889	1863	2003	2770	3644	3870	3801	3466
Europe	7276	190	192	477	600	517	705	1701	1685	1806	2507	3316	3477	3445	3186
Africa	0	1	3	6	3	3	6	2	5	7	5	1	5	3	11
America	0	10	13	51	104	74	75	114	112	126	158	194	250	161	170
Asia	0	3	3	8	18	10	8	56	46	45	61	92	95	154	80
Oceania	0	9	10	30	21	14	17	16	15	19	39	41	43	38	19
Not specified	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Austria	0	9	17	43	85	67	97	245	391	433	591	848	789	877	803
Belgium	0	0	4	0	5	1	11	13	11	15	14	21	19	33	20
Bulgaria	0	3	0	0	3	2	2	5	18	7	5	9	7	3	5
Cyprus	0	0	0	0	0	2	0	0	10	2	4	5	8	5	2
Czech Republic	7276	108	89	212	251	208	310	629	637	623	937	1162	1112	1233	1205
Germany	0	26	31	120	99	127	131	304	176	196	218	293	407	327	261
Denmark	0	0	0	2	0	1	2	6	8	3	7	7	15	3	15
Estonia	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Spain	0	0	0	0	1	2	6	22	16	14	29	21	41	44	40
Finland	0	0	0	0	1	1	0	2	6	3	3	5	6	8	15
France	0	3	1	5	10	6	8	21	16	30	32	45	43	33	33
UK	0	1	1	19	17	20	25	118	125	163	260	351	405	285	217
Greece	0	1	1	0	1	1	1	6	5	3	10	2	6	7	3
Croatia	0	0	2	0	3	2	0	1	4	3	6	11	4	15	3
Hungary	0	8	10	13	20	12	14	45	43	18	16	43	61	73	84

Ireland	0	0	0	2	0	1	3	15	14	41	63	55	63	43	40
Italy	0	3	11	9	9	10	18	72	59	67	73	105	131	100	110
Lichtenstein	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2
Lithuania	0	0	0	0	0	0	0	2	1	0	3	1	1	1	4
Luxembourg	0	0	2	0	2	1	0	3	3	1	4	4	14	16	5
Latvia	0	0	0	0	0	0	0	3	0	2	0	0	0	0	2
Malta	0	0	0	0	1	1	0	4	1	3	5	7	1	1	1
Netherlands	0	2	1	5	14	7	11	25	31	25	37	40	46	38	33
Poland	0	11	5	4	7	3	6	44	11	19	4	16	12	28	20
Portugal	0	0	0	1	0	1	0	0	0	1	1	3	5	5	5
Romania	0	0	0	1	4	1	2	14	14	15	3	2	2	10	1
Sweden	0	2	1	8	7	1	5	4	3	4	10	20	32	36	28
Slovenia	0	0	0	0	1	0	0	4	2	3	5	3	3	3	3

Source: Statistical Office of the Slovak Republic

The media report much different numbers. For example, online portal [niesomdoma.eu](http://niesomdoma.eu) (which translates as I am not home) states that there are around 65,000 Slovaks living in the United Kingdom, which is the third highest eastern European community after Poles (655,000) and Latvians (110,000)<sup>19</sup>. The daily newspaper *Pravda* quotes up to 100,000 Slovaks living and working in the UK<sup>20</sup>. Another daily states that altogether up to 300,000 Slovaks living and working abroad do not plan to come back home<sup>21</sup>.

## 1.2 Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

The Electoral Act 180/2014 on Conditions of Exercise of Voting Rights (“Electoral Act”) and the new Act on Electoral Campaigns 181/2014 were adopted by parliament on May 29 2014<sup>22</sup>. However, the considerably recent pieces of legislations have not substantially changed the existing electoral system. The two acts merely unified procedural aspects of elections. The Electoral Act sets out conditions for six types of elections:

<sup>19</sup> Online Portal Niesomodoma, at: <https://niesomdoma.eu/2016/04/kolko-slovakov-zije-v-britanii/>

<sup>20</sup> Pravda, Pre brexit sa vrátia domov tisíce Slovákov, 3 May 2017, <https://spravy.pravda.sk/ekonomika/clanok/428190-pre-brexit-sa-vratia-domov-tisice-slovakov/>

<sup>21</sup> Pluska, V zahraničí pracuje vyše 300-tisíc Slovákov. Domov sa vrátiť nechcú!, 7 December 2015,

<http://www.pluska.sk/spravy/ekonomika/v-zahranici-pracuje-vyse-300-tisic-slovakov-domov-vratit-nehcuc.html>

<sup>22</sup> The Electoral Act 180/2014 on Conditions of Exercise of Voting Rights, Act on Electoral Campaigns 181/2014

- Elections to the National Council of the Slovak Republic (parliamentary elections)
- Elections to Self-Territorial Units (STUs – regional elections)
- Elections to Municipalities (local elections)
- Elections to the European Parliament (European elections)
- Election of the President of the Slovak Republic (presidential elections)
- Referendums.<sup>23</sup>

Unfortunately, the law does not introduce alternative methods of voting (by internet or embassy), which would enfranchise a considerable number of Slovak citizens (non-resident citizens) residing or travelling abroad. Until the new legislation had been adopted, voting by mail was allowed only in parliamentary elections. The new law introduced voting by mail also for referendums. However, the remaining four types of elections (European, regional, local and presidential) remain out of reach for Slovaks living or travelling abroad.

In general, the active electoral right (to vote) in parliamentary, regional, European, local and presidential elections belongs to every citizen of the Slovak Republic who is 18 years of age on the day of the election, and in the case of European, regional and local elections also to non-citizen residents in Slovakia. For the passive right to vote (to be elected) the age limit is elevated as follows: 21 years for parliamentary and European elections, 40 years for presidential candidates and 25 years for mayors of cities and presidents of Self-Territorial Units. The age limit of candidates for deputies of local and regional councils is 18 years.

### *Non-citizen Residents*

Non-citizens with permanent residence are entitled to vote and be elected at various levels of elections in Slovakia - European, regional and local<sup>24</sup>. Non-citizen residents can vote in Slovakia in local and regional elections. Elections to the European Parliament are limited to EU citizens only.

Non-national EU citizens are registered to a list of voters by the municipality, in which they are registered for a permanent residence based on their petition, which must be submitted at the latest 40 days prior to elections, otherwise they lose the right to be included into the list of voters<sup>25</sup>.

In the case of local elections, in which EU citizens can vote anywhere in the EU, Slovakia along with Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, Netherlands and partially Portugal, Spain and the UK gives the right to vote also to third country nationals with permanent residence in Slovakia, which they can obtain after five years of continuous residence<sup>26</sup>. In addition to this Slovakia, along with Hungary,

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<sup>23</sup> There are seven specific parts, each devoted to one type of election; on the other hand, there are only six election types. The seventh type is a vote on the dismissal of the President of Slovakia. It was introduced at the same time as a popular vote for President. In 1999, citizens were not only given the right to directly elect a President, but also the right to initiate and vote for his or her dismissal.

<sup>24</sup> Section 72.1 (EP elections), Section 131.1 (regional elections) and Section 164 (local elections) of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>25</sup> Section 75 s. 1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>26</sup> GLOBALCIT (2017). Conditions for Electoral Rights Database, at: <http://globalcit.eu/conditions-for-electoral-rights/>

Denmark, Sweden and partially the UK and Portugal, is one of the few EU Member States that gives the franchise to non-citizens in regional elections. The same applies to candidacy rights.

In order to facilitate their right to vote and be elected in European elections, non-citizen EU residents have to be present in Slovakian territory during the polling day, since the vote can be cast only in person in Slovakia. The same applies to non-resident citizens. The law does not provide for any alternative voting methods in the case of European elections.

Also in the case of local and regional elections, in which alongside EU citizens third country nationals can also take part, individuals must vote personally within the territory of Slovakia.

#### *Non-resident citizens*

Non-resident citizens may vote from abroad only in national parliamentary elections. The law only provides for postal voting for these elections. There are no other alternatives available, such as voting in embassies, via internet or by proxy voting. However, non-resident citizens may not stand as a candidates in national elections. The Electoral Act in Section 43 grants to right to be elected to citizens of Slovakia of at least 21 years old with permanent residence in Slovakia<sup>27</sup>.

In the case of European elections, the right to vote in EP elections in Slovak territory is provided for any EU citizen (including Slovaks) with permanent residence in Slovakia<sup>28</sup>. Citizens of the Slovak Republic, who do not have a permanent residence neither in the territory of Slovakia nor in the territory of another EU Member State, have the right to vote in EP elections if they are present in the territory of Slovakia on the day of EP elections<sup>29</sup>.

## **2. Non-national EU citizens' franchise in EP and local elections**

### **2.1. Overview of Relevant Administrative Regulations**

#### *Local Elections*

Pursuant to Electoral Act 180/2014 Zz, non-national EU citizens have the right to vote and the right to be elected in EP, local and regional elections, provided that on the polling day they possess permanent residency in Slovakia and meet the same eligibility requirements for voting as Slovak citizens<sup>30</sup>.

#### *EP Elections*

Pursuant to Electoral Act 180/2014 Zz elections to the European Parliament are open to EU citizens only. Section 72 states that the right to vote in elections to the EP on the territory of

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<sup>27</sup> Section 43 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>28</sup> Section 72.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>29</sup> Section 72.2 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>30</sup> Sections 131 and 163 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

the Slovak Republic is limited to citizens of the Slovak Republic, who have permanent residence in the Slovak Republic, and citizens of another Member State of the European Union, who have permanent residence in the Slovak Republic<sup>31</sup>.

## 2.2. Voter registration

### *Local Elections*

For the purpose of each elections, the permanent register of voters is automatically compiled and maintained by each municipality, with the names of voters who have permanent residence in the municipality<sup>32</sup>. A voter can be registered in one permanent register only<sup>33</sup>. The municipality strikes off the permanent register a voter who a) changed his permanent address to a different municipality, b) died or was presumed to be dead, c) terminated his permanent residence in the Slovak Republic<sup>34</sup>.

A municipality keeps *ex officio* under review any facts that require a change in the permanent register, and does any change necessary based on its own records, or based on notification from a state body or another municipality or as a result of objection proceedings<sup>35</sup>. Objection proceedings may be initiated by any voter against the municipality in order to supplement or correct information entered into the permanent registry<sup>36</sup>. In such a case, the municipality has to carry out such a request or within 3 days inform the voter in writing why the request cannot be carried out<sup>37</sup>.

Thus, the permanent register is maintained automatically and if a voter has a permanent residence in one of the municipalities in Slovakia, the voter does not have to do anything prior to voting on a polling day. Pursuant to these provisions, all non-national EU citizens with a permanent residence permit are recorded automatically in this register for the purposes of local and regional elections.

### *EP Elections*

Pursuant to section 75.1 of the Electoral Act non-national EU citizens are recorded in the electoral register by a municipality they have permanent residence based on their petition. Petition has to be submitted to the municipality no later than 40 days before polling day, or else the right to join the electoral register expires.

Together with the petition to join the electoral register, non-national EU citizens submit a declaration stating: their nationality and the electoral territory of the Member State on whose electoral register they were most recently listed; that they have not been deprived

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<sup>31</sup> Section 72 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>32</sup> Section 9.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>33</sup> Section 9.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>34</sup> Section 9.4 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>35</sup> Section 9.6 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>36</sup> Section 10.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>37</sup> The Electoral Act provides for a possibility of an appeal to the court in case the municipality does not comply with the request of the vote to correct the information in the register. In such a case, voters can come to a polling station with a voting certificate, a decision of the court or an ID certifying their place of permanent residence are added to the list of eligible voters. This is an extreme scenario and it does not constitute a different type or non-automatic registration. Section 10.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

of his electoral franchise in this Member State; that they shall vote only in the elections in the Slovak Republic; the number of a valid travel document; and their permanent residence in the Slovak Republic<sup>38</sup>. Once added to the electoral register, voters remain on the electoral register until such time as they request to be removed or until such time as they are removed by the municipality for no longer satisfying the requirements for exercising the right to vote<sup>39</sup>.

Each petition submitted by non-national EU citizens is sent to the Ministry of Interior, which inquires whether the petitioner has a right to vote in the relevant EU state, and if he has not, the Ministry informs the municipality.

Certainly, the fact that the registration is not automatic in this case poses an obstacle to the exercise of the right to vote of non-national EU citizens. On the other hand, there is the need to review each petition in the respective EU Member States, which may justify the procedure.

### **2.3. Information during Election Campaigns**

The Electoral Act 180/2014 in section 21 imposes the obligation to inform voters of details of elections to municipalities. The municipality should:

1. At the latest 10 days after the call for elections publish on public boards and online on its website, if it has any, information on conditions of the right to vote and the right to be elected, also in a language of minorities living in the municipality, if there are any;
2. In the case of elections to European Parliament, at the latest 10 days after elections are called, send information on conditions of the right to vote and the right to be elected to voters that are citizens of another EU member state, both in the Slovak and the English languages;
3. Deliver at the latest 25 days before the polling day an announcement to every household, in which it states the time, the date, and the place of elections and a short summary of methods of voting<sup>40</sup>.

### **2.4. Political parties and candidacy rights**

#### *EP Elections*

Pursuant to Electoral Act 180/2014 section 73, the right to be elected in the European elections belongs to:

1. citizens of the Slovak Republic, who turn 21 at the latest on the day of elections;
2. citizens of other EU member states, who turn 21 at the latest on the polling day, and who were not deprived of the right to be elected in the EU member state in which they are citizens<sup>41</sup>.

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<sup>38</sup> Section 75.3 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>39</sup> Section 75.9 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>40</sup> Section 21.1 - 3 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.



In the last elections to the European Parliament in 2014, 29 political parties and movements submitted candidates' lists.<sup>42</sup> There are altogether 3 non-nationals on all lists, all of them long term residents in Slovakia (more than 10 years) and one of them an EU citizen (Italian)<sup>43</sup>. Interestingly, the latter, Mr. Antonio Parziale from Italy is a chairman of the European Democratic Party. Parties carrying those three aforementioned non-nationals did not win any seats in the 2014 European elections and nor have they been elected to parliament in any national elections yet.

### *Local Elections*

Non-national EU citizens are together with third country nationals entitled to run in local and regional elections in Slovakia. In the case of both elections the Electoral Act uses in the term "resident" of the self-territorial unit or municipality with a permanent residence in it<sup>44</sup>. By using this term, the law does not require any particular citizenship and thus the candidacy is open to anyone registered with a permanent residence in the particular municipality or region. Voter registration is also automatic, once the permanent residence is obtained, the municipality enters the name into the list of voters.

## **2.5. Turnout**

There are no statistics collected on the turnout of non-national EU citizens in local and EP elections. The Statistical Office of the Slovak Republic stated that during the vote count, the district committees do not record how many non-national EU citizens have voted and since the Statistical Office works with data transferred from district committees it does not have such information<sup>45</sup>.

There have been no political discussions or media reports on non-national EU citizen voters in Slovakia. Prior to every regional or local elections each municipality sends to all non-nationals in its territory the information package on their electoral rights. In addition, all major media outlets provide information about elections and method of voting including the fact that non-national EU citizens and third country nationals also have the right to participate in the respective elections.

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<sup>41</sup> Section 73.1 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>42</sup> Naj Pravo, Kandidáti pre voľby do Európskeho parlamentu, at: <http://www.najpravo.sk/clanky/kandidati-pre-volby-do-europskeho-parlamentu.html?print=1>

<sup>43</sup> Lists of candidates of political parties contain up to 13 names, as Slovakia sends 13 MPs to the European Parliament.

<sup>44</sup> Section 132 and 164 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>45</sup> Personal correspondence with a representative of the Statistical Office of the Slovak republic, 3 May 2018.

### **3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States**

#### **3.1. Overview of relevant administrative regulations**

##### *National Elections*

In all types of elections, with the exception of national elections, a physical presence in the Slovak territory is required. The Electoral Act does not provide for the possibility to vote for voters temporarily outside of the country, except for national elections, in which people without residence in Slovakia or temporarily abroad may vote by post<sup>46</sup>.

Temporarily as well as permanently non-resident citizens may exercise their right to vote in national elections by voting by post<sup>47</sup>. The difference is that the former have permanent residence in Slovakia and send their petition for postal voting to their municipality, while the latter do not have permanent residence registered in Slovakia and send their petition to the Ministry of Interior.

##### *EP Elections*

Non-resident citizens living in another EU Member State have the right to vote in the respective EU Member State under the same conditions as its national citizens. The Slovak Electoral Act does not provide the possibility for non-resident citizens to vote in Slovak EP elections without being present in the territories of the Slovak Republic on election day. The Electoral Act in section 72 states:

*(1) The right to vote in elections to European Parliament on the territory of Slovak Republic is provided for citizens of the Slovak Republic, who have permanent residence in the Slovak Republic, and citizens of other Member States of the European Union, who have permanent residence in the Slovak Republic.*

*(2) Citizens of the Slovak Republic who do not have permanent residence in either the Slovak Republic or another Member State of the European Union shall be entitled to vote in the elections if they are in the Slovak Republic on polling day<sup>48</sup>.*

In other words, there are no other types of voting for non-resident citizens other than being personally present in the Slovak Republic in order to cast the vote in Slovak EP elections. Those citizens that are of required age without permanent residence in Slovakia or any other EU member state, and are in the Slovak territory on the polling day, may be added to the list of voters in any municipality in Slovakia after presenting a Slovak passport and affidavit on their permanent residence abroad<sup>49</sup>. The template of the required affidavit is available on the Ministry of Interior's official website. The local electoral commission also notes in the person's passport that he or she has voted.

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<sup>46</sup> Section 59 of the of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights. provides for postal voting only in the case of national elections. There are no other provisions on the Electoral Act that would provide this option for other types of elections.

<sup>47</sup> Section 57 f the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>48</sup> Section 72 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

<sup>49</sup> Section 87.5 of the Electoral Act 180/2014 on Conditions of Exercise of Voting Rights.

### 3.2. Voter Registration

If a non-resident citizen wants to vote from abroad in national elections, each time the non-resident citizen has to submit a new petition for postal voting in a timely manner. Written petition for voting by post has to be delivered to the municipality of permanent residency, in the case of temporary non-resident citizens, or to the Ministry of the Interior in the case of permanently non-resident citizens, at least 50 days before the polling day. The municipality or Ministry sends to the voter, at the latest 35 days before the poll, a stamped envelope, with ballots, return envelope and guidelines on how to cast a vote. Electors cast a vote by picking the party list of a political party, putting it into an envelope and sending it back to the designated municipality or Ministry<sup>50</sup>.

The requirement to submit the petition 50 days prior to the polling day seems appropriate considering the administrative processes and the fact that the municipality or Ministry has to send out stamped envelopes to different parts of the world. So as a uniform rule, this should not be considered too long or as an obstacle. However, even though there is a legitimate aim behind them, these strict deadlines should be accompanied by increased media campaigns prior to these deadlines.

### 3.3. Turnout

#### *National Elections*

Before the last national elections on March 5th, 2016, there were more than 20,000 petitions submitted by non-resident citizens to vote by post from abroad<sup>51</sup>. The deadline for submission was January 15th 2016. The number of submitted petitions for voting by post was almost three times higher in comparison with the national elections in 2012<sup>52</sup>. The media named the availability of the internet application tool *volby.digital* as a main reason for the increased number of petitions<sup>53</sup>. *Volby.digital* was developed by a non-governmental initiative called *Slovensko.digital*, which was created by leading representatives of the Slovak private IT sector in 2015 to combat the state's digital inefficiency<sup>54</sup>. *Volby digital* made applications for voting by post a matter of three minutes, in which all petitioners for voting by post had to do was to fill in the online form by stating their address, and ID or passport number. In January 2016 the President of the Slovak Republic also appealed to 300,000

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<sup>50</sup> Sections 59 and 207 of Electoral Act respectively

<sup>51</sup> KRBA TOVÁ, Lucia. Hlasy zo zahraničia môžu pomôcť malým stranám. Malo by ich byť trojnásobne viac. Petit Press, 2016, <https://domov.sme.sk/c/20085116/percento-zo-zahranicia-pomoze-skor-pravici.html>

<sup>52</sup> KRBA TOVÁ, Lucia. Hlasy zo zahraničia môžu pomôcť malým stranám. Malo by ich byť trojnásobne viac. Petit Press, 2016, <https://domov.sme.sk/c/20085116/percento-zo-zahranicia-pomoze-skor-pravici.html>

<sup>53</sup> KRBA TOVÁ, Lucia. Hlasy zo zahraničia môžu pomôcť malým stranám. Malo by ich byť trojnásobne viac. Petit Press, 2016, <https://domov.sme.sk/c/20085116/percento-zo-zahranicia-pomoze-skor-pravici.html>

<sup>54</sup> KOSNO, Lukas. Vznikla IT iniciatíva. Chce radiť štátu, ako predísť neefektívite. Ringier Axel Springer Slovakia, 2015, at: <http://www.zive.sk/clanok/109650/vznikla-it-iniciativa-chce-radit-statu-ako-predist-neefektivite/>

Slovaks living abroad to use this application tool and participate in the 2016 national election<sup>55</sup>.

It was reported that 1196 petitions were sent by permanent non-resident citizens (citizens without a permanent residence in Slovakia). The estimation is that so-called “foreign votes” were about 1% of all submitted votes in national elections in 2016<sup>56</sup>.

From the votes submitted by post (1,044) of non-resident citizens without a permanent residence in Slovakia, 312 voters chose a liberal opposition party *Sloboda a Solidarita - SaS* (Freedom and Solidarity). Another opposition party *Most - Hid* received 168 votes and *Siet* (Network) 166 votes. OLaNO - NOVA received 133 votes. Government party SMER received 62 votes. And lastly, far right-wing party *Kotleba – Ľudová strana Naše Slovensko* (Kotleba- People’s Party Our Slovakia) received 55 votes (Table 9)<sup>57</sup>. The voting of permanent non-resident citizens does not mirror the electoral results, in which the government party won the national elections of 2016. Below is the chart of all political parties who received more than the 5% threshold of the valid vote and qualified for a seat distribution.

Table 9. Results of voting in national elections 2016 in Slovakia

Political party	Total no of votes received in elections	Total no of votes in %	No of votes received by POST
SMER	737481	28.28	62
Sloboda a Solidarita (SaS)	315558	12.10	312
Obyčajní ľudia a nezávislé osobnosti (OLANO – NOVA)	287611	11.02	133
Slovenská národná strana (SNS)	225386	8.64	-
Kotleba – Ľudová strana Naše Slovensko (ĽS Naše Slovensko)	209779	8.04	55
SME RODINA – Boris Kollár	172860	6.62	
MOST – HÍD	169593	6.50	168
#SIEŤ	146205	5.60	166

<sup>55</sup> RUMANOVSKY, Mate. Prezident vyzýva voličov v zahraničí: Využite webovú aplikáciu. Ringier Axel Springer Slovakia, 2016, <https://www.zive.sk/clanok/111377/prezident-vyzyva-volicov-v-zahranici-vyuzite-webovu-aplikaciju/>

<sup>56</sup> KRBAŤOVÁ, Lucia. Hlasy zo zahraničia môžu pomôcť malým stranám. Malo by ich byť trojnásobne viac. Petit Press, 2016, <https://domov.sme.sk/c/20085116/percento-zo-zahranicia-pomoze-skor-pravici.html>

<sup>57</sup> Parliamentary elections 2016 - This is how Slovaks from abroad voted, WebNoviny, 6 March 2016, at: <https://www.webnoviny.sk/parlamentne-volby-2016-takto-volili-slovaci-zo-zahranicia/>

*EP Elections*

Turnout in the last European elections in 2014 was 13.05% and was the lowest in the European Union.<sup>58</sup> Non-resident citizens were not allowed to vote unless they were present in Slovak territory on the polling day.

**Table 10: Electoral results in the European elections 2014**

<b>Political party</b>	<b>Number of Votes</b>	<b>Votes in %</b>	<b>Number of mandates</b>
SMER	135,089	24,09	4
KDH	74, 108	13,21	2
SDKU- DS	43, 467	7.75	2
OLANO	41,829	7.46	1
NOVA -	38,316	6,83	1
SaS	37,376	6.66	1
SMK	36,629	6.53	1
MOST - HID	32, 708	5.83	1

<sup>58</sup> Statistical Office of the Slovak Republic, Elections to the European Parliaments, at: <http://volby.statistics.sk/ep/ep2014/EP-dv/home-en.html>

## 4. Conclusion

### Non-citizen Residents

#### *Good Practices*

Targeted information package sent to non-national EU citizens prior to European elections by municipalities, where these non-nationals are recorded for a permanent residence, should be considered a good practice.

#### *Obstacles*

Non-nationals have the right to apply for a permanent residence in Slovakia after they fulfil requirements stipulated by the law, especially the condition of uninterrupted legal residence in Slovakia for five years. The requirement of permanent residence is present also for rules for running for the office or establishing a political party. Five year residence constitutes an obstacle in exercising of the right to vote and be elected in the elections to the European Parliament.

Secondly, despite the requirement of permanent residence, the law still requires non-national EU citizens to register for the vote. If the law requires permanent residency, then once they have obtained permanent residence, non-nationals should be included in the registry automatically, like all other citizens, by the municipality where they are registered.

#### *Policy Recommendations*

If the active registration of non-national EU citizens is needed due to the fact that their status has to be checked with the EU member state where they come from, then Slovakia should introduce online registration for the European elections by non-national EU citizens in Slovakia.

### Non-resident Citizens

#### *Good Practices*

The *Volby.digital* initiative prior to the Slovak national elections in 2016 helped to increase the number of registered voters for voting by post.

#### *Obstacles*

Non-resident citizens have only very limited access to electoral rights. They are entitled to vote from abroad by postal voting, following a prior registration, only in national parliamentary elections and referendums. Before the adoption of the new legislative act in May 2014 this was possible only in national parliamentary elections. The current Minister of Interior argued, before the adoption of the new legislative act, that the costs of elections

abroad (consulates, broader postal voting, internet) would be too high<sup>59</sup>. Ahead of the recent legal reforms, internet voting was discussed as a possible remedy for tackling the extremely low electoral turnout among citizens abroad. However, the Minister suggested that Slovaks would not use internet voting, if introduced. One can only guess whether the decision is justified, as no results have been published of the study in relation to the costs of or public interest in a broader franchise for non-resident citizens or an internet voting option for all voters.

### *Policy Recommendations*

I would recommend reconsidering alternative methods of voting, such as internet voting to increase electoral turnout of non-resident Citizens, to start with national elections and possibly introducing it to other types of elections, too.

In general, not just for the two groups of voters that we focus on here, to increase turnout especially in European elections in Slovakia, the Slovak authorities should step up the campaign on explaining why it matters. The low turnout is, I believe, due to lack of understanding of what the European Parliament actually can do and the detachment of voters from their European representatives. I would recommend our elected representatives to be more present in the territory of Slovakia throughout their term to inform, debate, and present their daily work to the electorate in all types of media.

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<sup>59</sup> SME Domov, Kaliňák odmieta voľby cez internet, 23 March 2014, at <https://domov.sme.sk/c/7144828/kalinak-odmieta-volby-cez-internet.html>

