

# **Constitution of the Slovak republic**

## **CHAPTER FIVE**

### **Legislative Power**

#### **Part One**

### **The National Council of the Slovak Republic**

#### **Article 72**

The National Council of the Slovak Republic is the sole constitutional and legislative body of the Slovak Republic.

#### **Article 73**

(1) The National Council of the Slovak Republic has 150 Members of Parliament elected for a four-year period.

(2) Members of Parliament are representatives of citizens. They execute their mandate personally according to their conscience and conviction and are not bound by orders.

#### **Article 74**

(1) Members of Parliament are elected by secret ballot in general, equal, and direct elections.

(2) A citizen who has the right to vote, has reached the age of 21 and has permanent residence on the territory of the Slovak Republic may be elected a Member of Parliament.

(3) Details on the election of Members of Parliament shall be laid down by law.

#### **Article 75**

(1) A Member of Parliament is sworn in at the first meeting of the National Council of the Slovak Republic in which he participates, by taking the following oath:

"I swear on my honor and conscience to be faithful to the Slovak Republic. I will discharge my duties in the interest of its citizens. I will uphold the Constitution and other laws and work toward their implementation into life."

(2) Refusing to take this oath, or taking it with reservations, results in the loss of mandate.

#### **Article 76**

The validity of the election of Members of Parliament is verified by the National Council of the Slovak Republic.

#### **Article 77**

(1) The post of a Member of Parliament is incompatible with the post of judge, prosecutor, public defender of rights, member of the Armed Forces, member of Armed Corps and member of the European Parliament.

(2) If a Member of Parliament is appointed member of the Government of the Slovak Republic, his mandate as a Member of Parliament does not terminate while he executes the government post, it is just not exercised.

#### **Article 78**

(1) A Member of Parliament may not be prosecuted for his voting in the National Council of the Slovak Republic, or its bodies; this applies also after the termination of his mandate.

(2) For statements made in the National Council of the Slovak Republic, or its body, while

discharging the function of a Member of Parliament, a Member of Parliament may not be criminally prosecuted; this applies also after the termination of his mandate. A Member of Parliament is subject to the disciplinary powers of the National Council of the Slovak Republic.

(3) No Member of Parliament shall be taken into custody without the consent of the National Council of the Slovak Republic.

(4) If a Member of Parliament is caught and arrested while committing a criminal offence, the competent body shall be obliged to notify immediately the President of the National Council of the Slovak Republic and the Chairman of the Mandate and Immunity Committee of the National Council of the Slovak Republic. If the Mandate and Immunity Committee of the National Council of the Slovak Republic does not subsequently approve the arrest, the Member of Parliament must be released immediately.

(5) If a Member of Parliament is in custody, his mandate does not terminate, it is only not exercised.

## **Article 79**

A Member of Parliament may refuse to testify in matters about which he learned while discharging his office, even after he ceases to be a Member of Parliament.

## **Article 80**

(1) A Member of Parliament may address an interpellation to the Government of the Slovak Republic, a member of the Government of the Slovak Republic, or the head of another central body of state administration concerning matters within their jurisdiction. The Member of Parliament must receive a reply within 30 days.

(2) The reply to interpellations is followed by a debate in the National Council of the Slovak Republic on the subject, which may be tied with a vote of confidence.

## **Article 81**

A Member of Parliament may surrender the mandate by a personal statement at the session of the National Council of the Slovak Republic. If serious circumstances prevent him from doing that, he may do so in writing in the hands of the Speaker of the National Council of the Slovak Republic, in which case the mandate of the Member of Parliament terminates on the day of delivery of the written decision of surrendering the mandate to the Speaker of the National Council of the Slovak Republic.

## **Article 81a**

The mandate of a Member of Parliament shall terminate by

- a) expiry of the term,
- b) surrendering of the mandate,
- c) loss of eligibility for election,
- d) dissolution of the National Council of the Slovak Republic,
- e) rise of incompatibility pursuant to Article 77, paragraph 1,
- f) on the day the court decision becomes effective by which a Member of Parliament was sentenced for a deliberate criminal act, or by which a Member of Parliament was sentenced for a criminal act and the court did not rule in his case on a conditional suspended execution of the prison sentence.

## **Article 82**

(1) The National Council of the Slovak Republic holds permanent sessions.

(2) The constituent meeting of the National Council of the Slovak Republic is called by the President of the Slovak Republic within 30 days after the announcement of election results. If he fails to do so, the National Council of the Slovak Republic convenes on the 30th day after the announcement of the election results.

(3) The National Council of the Slovak Republic may interrupt its session by means of a resolution. The length of interruption must not exceed four months in a year. During interruption, the Speaker, deputy speakers, and bodies of the National Council of the Slovak Republic execute their powers.

(4) While the session is interrupted, the Speaker of the National Council of the Slovak Republic may convene a meeting of the National Council of the Slovak Republic even prior to the set date. He will do so whenever requested by the Government of the Slovak Republic or at least one-fifth of the Members of Parliament.

(5) The session of the National Council of the Slovak Republic ends with the expiration of the electoral term or with its dissolution.

### **Article 83**

(1) Meetings of the National Council of the Slovak Republic are called by its Speaker.

(2) The Speaker of the National Council of the Slovak Republic shall convene a meeting of the National Council of the Slovak Republic also when requested to do so by at least one-fifth of its Members of Parliament. In that case he will convene a meeting within seven days.

(3) Meetings of the National Council of the Slovak Republic are public.

(4) Non-public meetings can be held only in cases laid down by law or on the basis of a decision by three-fifths of all Members of Parliament of the National Council of the Slovak Republic.

### **Article 84**

(1) The National Council of the Slovak Republic has a quorum if more than one-half of all its Members of Parliament are present.

(2) For a resolution of the National Council of the Slovak Republic to be valid, it must be passed by more than one-half of the Members of Parliament present, unless laid down otherwise by this Constitution.

(3) In order to approve an international treaty stipulated in Article 7, paragraphs 3 and 4 and adopt a bill returned by the President of the Slovak Republic pursuant to Article 102, letter o), a consent of more than one-half of all Members of Parliament is required.

(4) The consent of a three-fifths majority of all Members of Parliament shall be required for adopting or amending the Constitution or a constitutional law, for approving an international treaty according to Art. 7 par. 2, for adopting a resolution on plebiscite on the recall of the President of the Slovak Republic, for impeaching the President, and for declaring war on another state.

### **Article 85**

At the request of the National Council of the Slovak Republic, or its body, a member of the Government of the Slovak Republic, or head of another body of state administration, must participate in its meeting or in the meeting of its body.

### **Article 86**

The power of the National Council of the Slovak Republic comprises, above all:

a) deciding upon the Constitution and constitutional and other laws and controlling compliance with them,

b) approving by means of a constitutional law a treaty on the Slovak Republic's entering into a union with other states and on its abrogation of such a treaty,

c) deciding on proposals to call a referendum,

d) expressing consent, prior to ratification, with the international treaties on human rights and fundamental freedoms, international political treaties, international treaties of military nature, international treaties establishing membership of the Slovak Republic in international organizations, international economic treaties of a general nature, international treaties whose execution requires the enactment of a law, as well as with international treaties that directly establish rights or obligations of natural persons or legal persons, and at the same time making determination if these are international treaties stipulated in Article 7, paragraph 5,

e) establishing ministries and other state administration bodies by means of law,

f) discussing the policy statement of the Government of the Slovak Republic, controlling the Government's activity and passing a vote of confidence in the Government or its members,

- g) approving the state budget, checking on its fulfillment and approving the state closing account,
- h) discussing basic domestic, international, economic, social, and other political issues,
- i) adopting resolutions annulling a presidential decision under Article 102 par. 1 subpar. j), if this decision violates the principles of the rule of law and democracy; the adopted resolution shall be generally binding and promulgated in the same manner as is prescribed for the promulgation of laws,
- j) electing and recalling the chairman and deputy chairman of the Supreme Audit Office of the Slovak Republic and three members of the Judicial Council of the Slovak Republic.
- k) deciding on the declaration of war, if the Slovak Republic is attacked, or as a result of commitments arising from international treaties on common defense against aggression, and on peace agreement after the war,
- l) expressing consent to sending armed forces outside the territory of the Slovak Republic, unless it is a case stipulated in Article 119, letter p,
- m) expressing consent with the presence of foreign armed forces on the territory of the Slovak Republic.

## **Article 87**

- (1) A draft law may be introduced by committees of the National Council of the Slovak Republic, Members of Parliament and the Government of the Slovak Republic.
- (2) If the President of the Slovak Republic returns a law with comments, the National Council of the Slovak Republic will discuss the constitutional, or other law again and, in the event of its approval, such a law must be promulgated.
- (3) A law is signed by the President of the Slovak Republic, the Speaker of the National Council of the Slovak Republic and the prime minister of the Slovak Republic. If the National Council of the Slovak Republic, after having discussed the law again, approves the law even despite the comments of the President of the Slovak Republic and the President of the Slovak Republic does not sign the law, the law is promulgated even without the signature of the President of the Slovak Republic.
- (4) A law becomes valid with its promulgation. Details of promulgation of laws, international treaties and legally binding acts of an international organization pursuant to Article 7, paragraph 2 shall be laid down by law.

## **Article 88**

- (1) The motion to pass a vote of no-confidence in the Government of the Slovak Republic or a member of it will be discussed by the National Council of the Slovak Republic, if requested by at least one-fifth of its Members of Parliament.
- (2) The consent of more than one-half of all Members of Parliament is required to pass a vote of no confidence in the Government of the Slovak Republic or a member of it.

## **Article 88a**

The National Council of the Slovak Republic shall discuss the draft resolution annulling presidential decision under Article 102 par. 1 subpar. j) if at least one fifth of its members so request.

## **Article 89**

- (1) The Speaker of the National Council of the Slovak Republic is elected and recalled by the National Council of the Slovak Republic by secret ballot, by more than one-half of the votes of all Members of Parliament. The Speaker is accountable only to the National Council of the Slovak Republic.
- (2) The Speaker of the National Council of the Slovak Republic
  - a) calls and chairs meetings of the National Council of the Slovak Republic,
  - b) signs the Constitution, constitutional laws and other laws,
  - c) takes the oath from Members of Parliament of the National Council of the Slovak Republic,

- d) calls elections to the National Council of the Slovak Republic, election of the President of the Slovak Republic and elections to the bodies of territorial self-administration,
- e) calls public voting on recalling of the President of the Slovak Republic,
- f) performs other tasks, if so laid down by law.

(3) The Speaker of the National Council of the Slovak Republic remains in office after the election term expires, until the National Council of the Slovak Republic elects a new Speaker.

## **Article 90**

(1) The deputy speakers of the National Council of the Slovak Republic act as substitutes for the Speaker. They are elected and recalled by secret ballot by the National Council of the Slovak Republic, by the votes of more than one-half of all Members of Parliament. The deputy speaker of the National Council of the Slovak Republic is accountable to the National Council of the Slovak Republic.

(2) The provision of Article 89, paragraph 3 applies also to the deputy speaker of the National Council of the Slovak Republic.

## **Article 91**

The activity of the National Council of the Slovak Republic is managed and organized by the Speaker and deputy speakers.

## **Article 92**

(1) The National Council of the Slovak Republic establishes from the ranks of Members of Parliament committees as its bodies having an initiating and control role; it elects their chairmen by secret ballot.

(2) The deliberations of the National Council of the Slovak Republic and its committees shall be laid down by law.

## **Part Two**

### **The Referendum**

#### **Article 93**

(1) A referendum is used to confirm a constitutional law on entering into a union with other states, or on withdrawing from that union.

(2) A referendum can be used to decide also on other important issues of public interest.

(3) Basic rights and freedoms, taxes, levies and the state budget may not be the subject of a referendum.

#### **Article 94**

Every citizen of the Slovak Republic who has the right to vote in elections of the National Council of the Slovak Republic is entitled to participate in the referendum.

#### **Article 95**

(1) The referendum is called by the President of the Slovak Republic if requested by a petition signed by a minimum of 350,000 citizens, or on the basis of a resolution of the National Council of the Slovak Republic, within 30 days after the receipt of the citizens' petition, or the resolution of the National Council of the Slovak Republic.

(2) The President of the Slovak Republic may, before calling a referendum, file with the Constitutional Court of the Slovak Republic a petition for a decision whether the subject of the referendum, which should be called on the basis of a citizens' petition or a resolution of the National Council of the Slovak Republic pursuant to paragraph 1, is in compliance with the Constitution or a constitutional law. If the President of the Slovak Republic files with the Constitutional Court of the Slovak Republic a petition for a decision whether the subject of the referendum which should be

called on the basis of a citizens' petition or a resolution of the National Council of the Slovak Republic is in compliance with the Constitution or a constitutional act, the period pursuant to paragraph 1 shall not continue from filing of a petition by the President of the Slovak Republic until the decision of the Constitutional Court of the Slovak Republic becomes effective.

### **Article 96**

(1) The motion to pass a resolution of the National Council of the Slovak Republic on calling a referendum may be introduced by Members of Parliament, or by the Government of the Slovak Republic.

(2) A referendum shall be held within 90 days from the day it was called by the President of the Slovak Republic.

### **Article 97**

(1) A referendum may not be held within 90 days prior to elections to the National Council of the Slovak Republic.

(2) A referendum may be held on the day of elections to the National Council of the Slovak Republic.

### **Article 98**

(1) The results of the referendum are valid if more than one-half of eligible voters participated in it and if the decision was endorsed by more than one half of the participants in the referendum.

(2) The proposals adopted in the referendum will be promulgated by the National Council of the Slovak Republic in the same way as it promulgates laws.

### **Article 99**

(1) The National Council of the Slovak Republic may amend or annul the result of a referendum by means of a constitutional law no sooner than three years after the result of the referendum came into effect.

(2) A referendum on the same issue may be repeated no sooner than three years from the day it was held.

### **Article 100**

A law shall lay down the manner in which the referendum will be carried out.