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 IM. STANISŁAWA STASZICA W PILE**

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Some aspects of communal self-governments' elections

Introduction

The main aim of the paper is to compare the pre-election promises and the following reality of the mayors of selected sample of the Slovak municipalities and towns. The comparison is based on the evaluation of some aspects of communal self-governments' elections 2014. We have furthermore examined the reflection of those promises in the preparing documents of development in accordance with a new programme period. The research was realized by the students of the Faculty of Economics MBU in Banská Bystrica in the period of February – April 2015. The students were given the task to elaborate the seminar work within the framework of the non-compulsory course: The public administration and regional development. The topic of the seminar work was: The main characteristics of the municipality I live in, the coverage of 5–6 pages without the appendices, in the demanded structure. The work consisted of the parts, such as the characteristics of the municipality – size, demography, environment, memorability; the characteristics of the self-governmental bodies (voted directly or indirectly, advisory, facultative, obligatory and so on) and the analyses of the influence of the communal self-governments' elections 2014 on the creation of strategic, programme and conceptual documents, imposed in the municipality development. The sample of the students was not representative, but random selection, based on the students' residence. The final number of the addressed municipalities and towns was 167, but some works contained duplicate and uncompleted information and they were rejected from the analyses. The final sample contained 98 municipalities.

The first part of the paper deals with a new election legislation, common for every kind of election, aiming at the evaluation of the relationship of the legislation with the communal election. Next aim was to analyse its contribution to the simplification and clarification of the communal election process.

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The new election laws according to the programme of the government were passed by the National Council of the SR on May 29, 2014. The laws unify the basic rules for every kind of election including the conducting of electioneering and they offer a better clarification of the political parties and electioneering funding. The laws furthermore implement the control mechanisms and sanctions. It is concerned the law on electioneering and its amendments n. 85/2005 Coll. of L. on political parties and political movements, the law on electorship requirements and on the amendment of the Civil Procedure. It is necessary to take into consideration that the laws were not yet implemented in the communal election and there is no practical experience.

The new legislation regulates the election rules for the election to the National Council of the SR, the European Parliament, the election of the President, the communal and regional self-government election and the referendum. The election law was regulated by six independent laws until the present time. According to the law on electorship requirements, it regulates the general rules, common for every kind of election. They refer to the election bodies, the election laws rules, the constituencies and election precincts, the list of the voters, the voting system and the presence in the voting poll, the election results, material and personal pre-requirements for the elections and the law-breaking sanctions.

The law on electioneering unifies the basic rules of the electioneering conducting for every kind of the election and implements the unified terminology. It imposes the parties and the candidates the obligation to finance the electioneering exclusively through the open accounts. All of the parties' incomes and outcomes will be able to be monitored on the internet by the public during the campaign. The obligation should be implemented on the district mayors, town mayor and magistrates.

The communal self-governments demand that the education requirement should be implemented on every kind of the election, so that mayors and magistrates should pass at least secondary level of education. The new election laws were attacked by the opposition and the decision of the Constitutional Court is expected. The changes are welcome by the self-governments. They stated that every mayor fulfils the administrative function, that is why he/she has to reach a necessary level of the specialization. Furthermore they expect the candidates in different election to meet the same requirement and to solve this problem on all levels (not only for the mayors and no others).

We have investigated in the research framework, what is the percentage of the newly elected mayors in the addressed municipalities and we have searched for the interdependence between the experience of the mayor functioning for several terms in office and their usage of this experience in the conducting of self-governments within the preparation of the strategic and development documents (question 3).

In order to explain the key terms we are going to deal with the amendment to the Act on the support of the regional development, aimed to map

the most significant changes it brings to the communal development issue. We count the modifications in the municipality development programme into consideration so that it consists from the analytical, strategic, programme, realization and financial part.

The realization of regional development support based on the amendment to the Act since January 1, 2015 extends the common programme of municipalities' development (by the insert of par. 8a). It solves the real implementation of the individual interests within the common defined priorities by the integrated attitude and it facilitates the access of municipalities to the financial sources and its assurance mechanism at the same time. The common programme of municipalities' development is a mid-lasting development document elaborated in accordance with the aims and priorities defined in the national strategy. It reflects the aims and priorities defined in the regional development programme for the region of the municipalities. It is elaborated in accordance with the binding parts of the area-planning documents of the united municipalities.

If the municipality has no elaborated individual programme, it can elaborate the common development programme within the implementation of the partnership with one or more neighbouring municipalities. It is approved (together with the amendments) by the municipal boards of the municipalities that elaborated it. The main interest is to create the possibility for the integrated attitude of the municipalities to their development. It is mainly created for the municipalities with no sufficient capacity for the creation of their own development programme. The main aim is to ensure more effective cooperation, to decrease the costs of the preparation and realization of the development activities in the adjacent territory of the neighbouring municipalities.

We consider necessary to define the basis of the functioning of selected self-governments – mayor and municipal board from our point of view, forasmuch as we deal with their status. The mayor is the highest representative of the municipality, its statutory representative, executive body elected by the citizens in direct elections. He/she executes the communal administration and represents the municipality outwards. He/she exercises his/her powers individually or together with the municipal board. We have to emphasize that the mayor is an executive body to exercise the decisions of the municipal board. He/she can intercept the implementation of the municipal board resolution, if he/she considers this resolution not to be in accordance with the law or it is apparently underogatory for the municipality. He can do it by not ratifying the resolution in the period of 10 days since its passing by the municipal board (sort of mayor's right of veto). He/she is not bind by anything to fulfil the resolutions of the municipal board. We have analysed this problem in question 4, where we have verified the continuity of the election programmes and promises of elected municipal bodies with the stated priorities of social and economic development in the particular electoral term through their incorporation into the Programme of economic and social development and

other strategic documents in the particular municipality. The mayor can be re-elected under the electoral act, basically he/she can be re-elected *ad infinitum*. In this case we have to take into consideration the burnout syndrome; a professional and personal deprivation on some job positions as a result of the extremely intensive dealing with the tasks, with a result of loss of enthusiasm. The analyse on the connection between this syndrome and the execution of mayors' functions needs, together with the reflection of the promises in the reality, the individual research.

The municipal board is the representative board of the municipality which consists of the representatives elected for four years period directly by the inhabitants of the municipality. It decides upon the basic issues of the municipality, exclusively it can regulate the principles of the financial issues and handling with the municipal property and the property of the state used by the municipality. Furthermore it has to pass the most important property tasks and to control its usage; to pass the municipal financial budget and its changes, to control its expenditures and to pass the final municipal account; to pass the issuance of municipal bonds; to pass territorial plan of municipality or its parts and the various aspects of municipal life concept; to decide about the implementation or annulment of local taxation and to impose the local fee. We have to emphasize according to our reflection, that mainly it is a decision-making body, in contrast with the mayor.

We have to mention in this context the fact, that in the new period the municipalities can ask for the structural funds contribution only in the case they had already elaborated the Programme of economic and regional development, respectively the common integrated strategy. The main possibility to finance the regional development remains the European union funds as in the previous years. In the present time, the integrated attitude and the necessary regional development is emphasized, in contrast with the previous programme period, when the regional development was realized by the individual demand-oriented projects of the municipalities and towns.

The regional integrated territorial strategies should be prepared by all socio-economic partners and citizens of the regions, so as they are the main tool for regional development and development projects implementation on the territory of the individual self-governing regions. They solve the specific needs of the regional development as a whole, in contrast with the past when the priority was to solve the individual needs of the regional development of the municipalities and towns. The self-governing region is responsible for the elaboration of regional integrated territorial strategy, because it is a mediatory body within the implementation of selected projects.

In contrast with the previous programme period, more important became the tasks of the individual integrations of the towns, municipalities and micro-regions, which can better enforce the elaborated strategies of their own region development within the creation of regional integrated territorial strategies

than the individual municipalities and towns. The main tool to define the actual micro-region needs can be for example the elaborated Plan for economic and social development, in the framework of which the towns and municipalities create the common strategy reflecting their own needs. In consequence, they can try to implement the plan together into the regional integrated territorial strategies of the self-governing region. This perspective was not reflected in our research, because we consider the addressed self-governing regions not to be prepared yet.

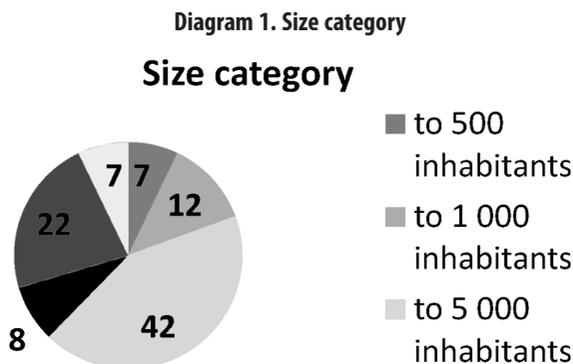
So as we analyse the pre-election promises reflection in the development documents, we try to classify them. There can be various visions, strategies, plans, conceptions, but also the programmes, regulations and other legal rules. This issue is not fully defined in the Slovak specialized literature, we can find some facts in the work of some authors, such as K. Staroňová, E. Sičáková-Beblavá (2006).

We can divide the documents into the legislative, strategic, research, fiscal, declarative and advocate ones according to their function and origin. The advocate documents cannot be applied on the municipal level, because they mostly terminate some priorities, obligations or rules. They are created by political parties, governments, actors of non-profit sector. Legislative documents are legally binding; they define the basic functional rules. The method of their creation is usually modified in details. They are of normative character; they are exigible and their infringement is sanctioned. We think about the internal normative provisions in the case of self-governing regions, such as articles, bylaws, organizational rules and other rules, directions, orders and instructions. The resolutions and generally binding regulations belong to the external normative; they are issued by the specific bodies in the competence of the municipality or in the sphere of delegated action. Generally binding regulations can be divided into primary and secondary ones. Generally binding regulations issued in cases of regional self-governance, represent the primary directions and this independent municipal activity is anchored in the Constitution of the SR Art. 67 and Art. 68 and Act on municipal establishment Par. 4 in combination with Par. 6. The regulations issued in state administration matters represent the derived regulations and this delegated, respectively devolved municipal activity is anchored in The Constitution of the SR Art. 71, together with Act on municipal establishment Par. 5 in combination with Par. 6.

Strategic documents represent the basis for strategic decisions. They are open to a certain extent, they are revised in regular periods and they are typical for a huge participation of different actors. They usually content the action and institutional plans in progress. There belong the Programme of economic and social development of municipality, territorial plan, plan on territorial and technical development of municipality and strategy of tourism development on the municipal level. We have dealt with Programme of economic and social development of municipality and territorial plan in our research. The research

documents focus on the analyses of the present and the past situation, aiming to explain the situation in a specific area in an objective way and to give a possible improvement. They are strictly analytical. Many times they include the set of indicators, which describe the situation in the issue. Their main criterion is objectiveness, completeness and accuracy. Mostly they are created at universities, research institutes. They can be applied to the municipality to some extent, whereby the municipalities and towns can ask the above mentioned subjects to elaborate them. The last part consists of fiscal documents, mainly the budget of the municipality. Its creation and content, as well as the budgetary process of municipal self-government is regulated by Act on the public administration budgetary rules N. 523/2004, Act on budgetary rules N. 583/2004 and Act on municipal establishment N. 369/1990 (Par. 9) from the legislation point of view.

According to the methodology described in the introduction we have addressed 98 municipalities in our research, out of which 40 towns. Their size differentiation is described in the following diagram.



Source: author's elaboration based on realised research results

7 municipalities to 500 inhabitants were analysed (Magnezitovce, Malatíny, Olejníkov, Kyakovce, Ráztoka, Malá Domaša and Malužiná). The smallest analysed municipality was Malatíny (208 inhabitants) and the biggest one was Prešov (90 923 inhabitants).

The analysed municipalities to 10 000 inhabitants were represented by Martin, Tvrdošín, Smižany, Trstená, Námestovo, Lendak, Sliach and Nováky. The category of analysed municipalities over 50 000 inhabitants was created by Banská Bystrica, Poprad, Martin, Trenčín, Žilina, Trnava and Prešov. There were 67 "old" mayors within the addressed municipalities (68.4 out of the complex number of respondents) and 31 newly elected mayors. We did not analyse the number of their re-election, because it was not our investigation subject.

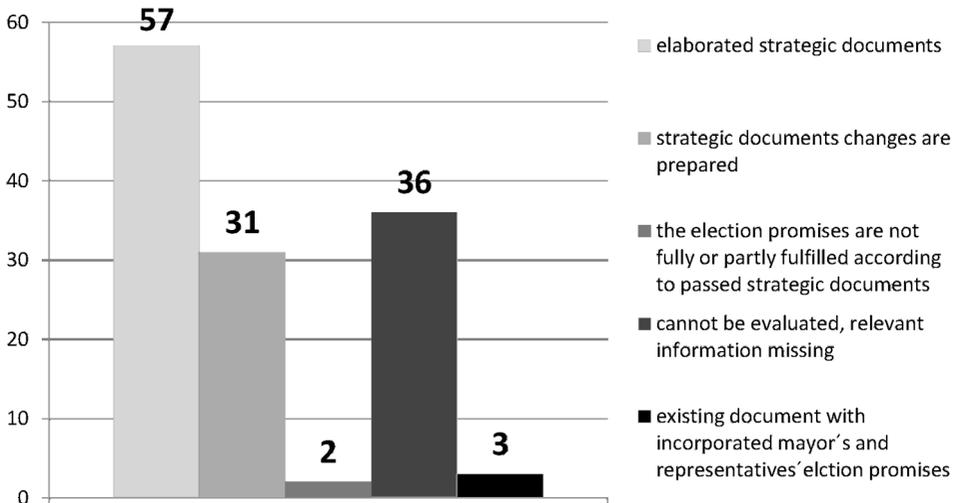
The respondents have been asked in question 2 whether their strategic documents are already elaborated and what the types of them are. Specifi-

cally we have followed the Programme of economic and social development and the territorial plan. Out of the addressed sample – 62 municipalities have already elaborated Programme of economic and social development (36 do not have) and 48% has already elaborated territorial plan. It was necessary to respect a certain level of inaccuracy in answering the question, caused by the fact that the municipalities with less than 2 000 inhabitants are not obliged to create the territorial plan according to the law.

Other strategic documents have not been analysed deeply, because their specific number and type is different in the individual areas and the individual municipalities, so that it was not possible to compare them in an objective way.

Within question 4 the respondents have had a possibility to choose one of 4 answers (see the diagram below). We have found out that 57 municipalities with elaborated strategic documents only 31 had already begun to actualize them (54.4%). On the other hand, it became clear, according to the result, that 67 out of 98 analysed municipalities have the same mayor after election (68.4%). We are surprised by a low percentage of municipalities with actualizes strategic documents in contrast with a high percentage of the ones with former mayor. We believe that the experienced („repeated“) mayors should be competent to conduct the self-governing region in a conceptual way. The realised research has not validated this assumption.

Diagram 2.



Source: author's elaboration based on realised research results

There have been 36 cases in question 3 with no ability to validate the information because of incompleteness.

Furthermore, question 4 searched for the sequence of the election programmes and the promises of elected bodies of the communal self-governments on the setting of socio-economic development priorities in the particular election term through their incorporation into the Programme of economic and social development and other strategic documents in the particular municipality. We have found out that only 3 out of 98 self-governments (Trstená, Bánovce nad Bebravou and Detva) have already set up the priorities for the next development within the particular election term through the elaborated programme documents in the form of resolution. The result is, according to our understanding, that it is less complicated to set up the priorities, and targets of the Programmes of economic and social development for the particular election term for the mentioned self-governments than for the others.

Conclusion

The percentage of the municipalities with modified lines of the further development within the particular election term through the elaborated programme documents is very low (3.06%). In a conclusion we are going to formulate the recommendations for the Slovak legislation and the representatives of ZMOS (the Association of towns and municipalities of the Slovak Republic) to pay more attention to the training of the self-governments' representatives in the sphere of management and people management.

Some positive tendencies, according to our opinion were brought by new election legislation. The self-governments asked the education condition to be a part of every election, so that the city mayors and lord mayors should pass at least the secondary education as it was mentioned in the introduction. The election legislation was challenged by an opposition and the final decision of the Constitutional Court is expected. We believe that a mayor performs the administrative tasks and she/he has to reach a necessary level of specialization. The further research on the selected aspects of communal self-governments election will express whether it was right.

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- Zákon NR SR č. 369/1990 o obecnom zriadení v znení neskorších predpisov
- Zákon NR SR č. 583/2004 o rozpočtových pravidlách územnej samosprávy
- Zákon NR SR č. 523/2004 o rozpočtových pravidlách verejnej správy

Summary

The aim of the contribution is to examine some aspects of communal self-governments' elections 2014 and compare the pre-election promises of the mayor candidates with their first steps in the office in a selected sample of Slovak municipalities and towns. We also looked at the implementation of the promises in the development documents with respect to the new programming period of 2014–2020. The survey was performed by the students of the Faculty of Economics in Banská Bystrica in February – April 2015 within their elective course Public Administration and regional development. Their task was to write a paper on the topic "Basic characteristics of the municipality in which I live" without annexes and in the prescribed structure. We have summarised the papers and made the graphical visualization of the results.

Keywords: self-government, self-governments' elections, development documents

Niektóre aspekty komunalnych wyborów samorządowych

Streszczenie

Celem pracy było zbadanie niektórych aspektów komunalnych wyborów samorządowych 2014 i porównanie przedwyborczych obietnic głównych kandydatów z ich głównymi krokami podczas urzędowania w wybranych słowackich miejscowościach. Rozpatrzono również wprowadzenie tych obietnic w dokumentach rozwoju w odniesieniu do nowego

okresu programowego 2014–2020. Badanie zostało wykonane przez studentów Wydziału Ekonomii w Bańskiej Bystrzycy między lutym a kwietniem 2015 w ramach ich przedmiotu Administracja Publiczna i Rozwój Regionalny. Ich zadaniem było napisanie pracy na temat “Podstawowa charakterystyka gminy, w której żyję” bez aneksów oraz narzuconej struktury. Podsumowano prace i sporządzono graficzną wizualizację rezultatów.

Słowa kluczowe: samorząd, wybory samorządowe, dokumenty rozwoju

Некоторые аспекты коммунальных муниципальных выборов

Краткое содержание

Целью этой работы является исследование некоторых коммунальных аспектов муниципальных выборов 2014 года и сравнение предвыборных обещаний главных кандидатов с их основными действиями во время исполнения служебных обязанностей в некоторых словацких городах и населенных пунктах. Рассмотрено было также внедрение этих обещаний в программные документы по развитию, относящихся к новому периоду 2014–2020 г.г. Исследование было проведено студентами Экономического факультета в Баньской Быстрице между февралем и апрелем 2015 г. в рамках изучаемого предмета Публичная Администрация и Областное Развитие. Их задачей было написать работы на тему «Основная характеристика гмины, в которой живу» без приложений и навязанной структуры. Работы были подытожены, а затем составлена графическая визуализация результатов.

Ключевые слова: самоуправление, муниципальные выборы, документы развития

JEL: H10, H40, H7, H8

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