[UA] New Statute on Elections

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On 18 November 2001 President of Ukraine Leonid Kuchma signed the Statute on elections of the people's deputies in Ukraine (hereinafter "the Statute"). This Act deals comprehensively with the issue of media coverage of the electoral process. It obliges the media organizations to "impartially cover the course of the preparatory period and the conduct of elections" (Art.20). The Statute guarantees specific rights for "media representatives" in regard to access to the activities of the governmental and other official bodies involved in the electoral process. Designated state officials are responsible for providing information to the media.

A special chapter of the Statute is devoted to electoral campaigning in the media as providing an essential opportunity for Ukrainian citizens to "discuss freely the candidates' (parties') programs" and canvass for or against candidates. The Central Election Commission (CEC) is empowered to issue "explanatory notes" on the application of the Statute which are binding for subordinate commissions. In particular it establishes the detailed regulations for the media's participation in campaigning. The CEC oversees the media organizations' adherence to the Statute (Art. 22).

The Statute permits campaigning in all forms including dissemination of information through the mass media provided such activity does not violate the Constitution and other laws and adheres strictly to the electoral legislation. According to the latter the media campaign period is confined to 50 days before the election day (Art. 50). The Statute does not regulate such campaign materials as official statements (without comments) on the candidates' activities in fulfilling their professional duties/functions.

The Statute establishes specific rules for campaigning in the state and municipal electronic and print media, paid for out of the state budget. A candidate or a party could also campaign in the media using money from its own electoral fund, provided the campaign follows the general equal opportunity requirement of the Law. This implies equality of access to the media and equal payment for using airtime or print space.

All the broadcasting companies shall publish their election advertising tariffs 70 days in advance of the election day, provided the price per minute does not exceed the usual price for commercial advertising during the same period of the

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day. The price cannot be changed during the campaign (Art. 53).

The state and municipal broadcasters are obliged to provide airtime for budgetary-financed campaign spots between 7 and 10 p.m. The budget financing should be allocated by the CEC. Its amount should provide for at least 30 minutes on national channels and 20 minutes on regional channels.

Expression of any comments or analysis of the campaign statements made by the candidates shall be prohibited for a period of at least 20 minutes before and after broadcasting of the campaign spots where such statements were made. The same prohibition concerns distribution of any information on a party or a candidate 20 minutes before and after broadcasting of their spots.

The schedule for the provision of the budgetaryfinanced (free) airtime on the state and municipal channels shall be compiled in accordance with the lottery among the candidates and officially published in government newspapers 3 days after the respective election commission approves it.

The CEC and district electoral commissions will reimburse the expenses of the state national and regional broadcasters respectively in accordance with estimates drawn up by the CEC.

The broadcasting organizations may provide airtime to candidates only in accordance with a written agreement on the pre-payment basis.

The broadcasting organizations are obliged to keep records of all the elections broadcasts for 30 days after the announcement of the election results and provide them as well as related documentation to the governmental bodies for inspection (Art. 55).

The Statute introduces restrictions on participation in the electoral campaign (e.g. on military or penitentiary property, setting out special procedures for candidates' visits to such places). It outlaws participation in such activity for non-Ukrainian citizens, civil servants and members of the election commissions.

In broadcasts that are not considered electoral spots, the state and municipal broadcasters shall not comment or express their views on the political positions of the candidates. The Central Election Commission shall be entitled to apply to court to suspend the activities of those media outlets that violate this prohibition.

If a media organization distributes any information considered defamatory by the candidate or a party concerned the former shall provide an opportunity for response or refutation (Art. 56) not later than 3 days after dissemination of the original story.

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The governmental regulatory body in the broadcasting field is obliged to provide that the budgetary-financed electoral broadcasts on the two national channels do not coincide.

The Statute prohibits insertion of political advertisements into information and news programs, prescribing that such spots should be distinguishable and be separated from other programming.

Ukrainian media are not permitted to publish any public opinion polls for a period of 15 days before the election date. All campaigning activity in the mass media is prohibited from midnight the day before the election day. Any activity hindering the election campaign or any violation of the campaign rules is punishable under the law.

Zakon Pro vybory narodnyh deputatov Ukrainy, 18 October 2001, Uryadoviy Kurier of 2 November 2001

http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2766-14

Statute on elections of the people's deputies of Ukraine of 18 October 2001, Uryadoviy Kurier of 2 November 2001

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