[LV] Amendments to Laws Governing Pre-Election Campaigns in Media

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On 15 January 2009 *Saeima* (the Parliament) adopted amendments to laws governing pre-election campaigns: the Law on Pre-Election Campaigns before the Elections of *Saeima* and the European Parliament and the Law on Pre-Election Campaigns before the Municipal Elections. The amendments seek to address the loopholes in the financing of election campaigns discovered in the last *Saeima* election campaign (in 2006), as well as to specify the duties of broadcasters within the election campaigns.

The amendments state that the period for pre-election campaigns starts 120 days before the election. Hitherto such a period was not envisaged. Several time frames applicable to the duties of broadcasting organisations are amended accordingly. Hence the amendments significantly shorten the time frame within which the broadcasting organisations must provide their price lists for paid broadcasting time during the pre-election campaigns. Previously such price lists had to be published in the official newspaper of Latvia (*Latvijas Vēstnesis*) 270 days before the elections, thus causing additional costs to the broadcasters, however, the duty applied to public broadcasters only. Now, this period is shortened to 150 days before the elections and concerns both public and private broadcasters. The costs incurred are reduced by the elimination of the requirement to publish lists in the official newspaper.

The broadcasters must send the price lists to the National Broadcasting Council, which publishes them on its home page. In addition to that, the broadcasters must provide separate price lists with respect to broadcasting pre-election campaigns commissioned and paid for not by political organisations or election candidates but by third parties. The price lists are binding and may not be changed after their publication.

The amendments also shorten the broadcasting period that may be devoted to pre-election campaigns. Previously, the broadcasters were entitled to expand the advertising period for up to 10 % within a period starting 60 days before the elections in order to broadcast paid pre-election campaigns. Now, this option is cancelled. Following the amendments, it is not permissible to broadcast the opinion polls on the election day in the programmes of any broadcasters. Previously, this prohibition applied only to the programmes of public broadcasters.

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In order to tackle the problem of loopholes in the financing of pre-election campaigns, the amendments provide that political organisations, election candidates, as well as third parties, must conclude the contracts on paid pre-election campaigns directly with the broadcasting organisations. The latter have to notify the Corruption Prevention and Combating Bureau on all contracts concluded on the broadcasting of pre-election campaigns not later than on the next business day after entering into such agreements. Moreover, the broadcasting organisations must follow the rule that the payment for the broadcasting of the pre-election campaign does not exceed the limit provided in the amendments to the law. The ceiling of such expenses is set at 15 times the minimum official salary as applicable on 1 January of the relevant calendar year (currently: LVL 180 (ca. EUR 256) gross).

To conclude, the amendments update some of the existing and impose several new obligations on public and private broadcasters in order to ensure a fair pre-election campaign.

Nevertheless, the amendments are still being criticised by various non-governmental organisations for failing to address all the ways of circumventing the financial limitations imposed on the election candidates. The amendments came into force on 31 January 2009.

Par priekšvēlēšanu aģitāciju pirms pašvaldību vēlēšanām

http://www.likumi.lv/doc.php?id=58056&from=off

Law on Pre-Election Campaigns before the Municipal Elections

Par priekšvēlēšanu aģitāciju pirms Saeimas vēlēšanām un Eiropas Parlamenta vēlēšanām

http://www.likumi.lv/doc.php?id=36341&from=off

Law on Pre-Election Campaigns before the Elections of Saeima and the European Parliament

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