[ES] Central Electoral Commission opens sanctioning proceedings against the acting President of the Government

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On 30 October 2019, the Junta Electoral Central (Central Electoral Commission – JEC) opened sanctioning proceedings against the Acting President of the Government for statements made during a TV programme and against the Acting Minister of Education and Government Spokesperson for statements made during a press conference. According to the JEC, although the statements made in the programme Al Rojo Vivo by the Acting President of the Government and candidate in the general elections of 10 November 2019 did not violate Article 53 of the LOREG concerning the prohibition on disseminating advertising or electoral propaganda through posters, commercial media or advertisements in the press, radio or other digital media from the calling of the elections to the legal start of the campaign, they did violate the prohibition contained in Article 50.2 LOREG concerning "acts organised or financed, directly or indirectly, by the public authorities that contain allusions to achievements or achievements obtained, or that use images or expressions coincident with or similar to those used in their own campaigns by any of the political entities competing for the elections" when these acts have been made from the time the elections are called until they are held. In the case at hand, the incriminated acts were commited using institutional means because the interview took place in one of the rooms of the Moncloa Palace, the seat of the Spanish Government, and particularly because they were disseminated on the official website of the Presidency of the Government. The JEC ordered that the interview must not appear on the official page mentioned, at least until the end of the electoral process.

The JEC also ruled that statements made during a press conference by the Acting Minister of Education and Government Spokesperson violated the same prohibition contained in Article 50.2 of the LOREG by having made allusions to the achievements or achievements allegedly obtained by the government, and therefore sanctioning proceedings were also initiated against her.

In both cases, the JEC took into account the circumstances surrounding the interviews in question, as well as the fact that a recent warning had been issued to all members of the government instructing them to refrain from violating the principle of neutrality that the public authorities are obliged to respect during the electoral process, in application of Article 50.2 of the LOREG.

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Acuerdo de la Junta Electoral Central, Número 646/2019, (Núm. Expediente: 293/1140), 30 de octubre de 2019

http://www.juntaelectoralcentral.es/cs/jec/doctrina/acuerdos?anyosesion=2019&idacuerdoinstruccion=71001&idsesion=956&template=Doctrina/JEC_Detalle

Resolution of the Central Electoral Commission, No. 646/2019, (case no.: 293/1140), 30 October 2019

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