Central Electoral Commission fines acting President of the Government and Government Spokesperson

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On 23 January 2020, the *Junta Electoral Central* (Central Electoral Commission – JEC) decided that the acting president of the government, in the exercise of his responsibilities as such, had also infringed Article 153.1 of the Organic Law of the General Electoral System, through the realisation and diffusion of a TV interview by taking advantage of the public means at his disposal, in his capacity as acting president of the government. The JEC also decided that the minister acting as government spokesperson, in the exercise of her responsibilities, had infringed Article 153.1 of the Organic Law on the General Electoral System (LOREG) for holding demonstrations with evaluative and electoralist content, taking advantage of the public resources available to her in her capacity as acting government spokesperson, on the occasion of a press conference called on 30 October 2019 to report on the agreements of the Council of Ministers, held that day (see IRIS 2019-10:1/12). The LEC imposed a fine of EUR 2 200 on the minister and, in view of his low degree of culpability, a fine of EUR 500 on the acting prime minister. Concerning the latter, a dissenting vote by some of the members of the JEC even requested that the file be closed without imposing any sanctions.

On 30 October 2019, the 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 incriminating acts were commited using institutional means because the interview had taken place in one of the rooms of the Moncloa Palace, the seat of the Spanish Government,

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and particularly because they were disseminated on the official website of the Presidency of the Government. The JEC ordered that the interview 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 had 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.

Expediente sancionador incoado por la Junta Electoral Central, en sesión de 30 de octubre de 2019, contra el Presidente del Gobierno en funciones, por su Declaración Institucional con motivo de la exhumación de don Francisco Franco el 24 de octubre de 2019, así como por su entrevista en el programa "Al Rojo Vivo" del viernes 25 de octubre (Expte. 293/1140)

http://www.juntaelectoralcentral.es/cs/jec/doctrina/acuerdos?anyosesion=2020&idacuerdoinstruccion=72044&idsesion=965&template=Doctrina/JEC_Detalle

Sanctioning file initiated by the Central Electoral Board, in session of 30 October 2019, against the acting President of the Government, for his Institutional Declaration on the occasion of the exhumation of Don Francisco Franco on 24 October 2019, as well as for his interview in the programme "Al Rojo Vivo" on Friday 25 October (Expte. 293/1140)

Expediente sancionador incoado por la Junta Electoral Central, en sesión de 30 de octubre de 2019, contra la Ministra de Educación y Formación Profesional en funciones, por las declaraciones realizadas en la rueda de prensa posterior al Consejo de Ministros del día 25 de octubre de 2019 (Expte. 293/1140)

http://www.juntaelectoralcentral.es/cs/jec/doctrina/acuerdos?anyosesion=2020&idacuerdoinstruccion=72042&idsesion=965&template=Doctrina/JEC_Detalle

Sanctioning proceedings initiated by the Central Electoral Board, in session of 30 October 2019, against the acting Minister of Education and Vocational Training, for statements made at the press conference following the Council of Ministers on 25 October 2019 (Expte. 293/1140)

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