

Approved by Decision # 23-7 dated on August 24, 2009,

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April, 2013 and # 1/2 dated 15 March 2019 and # 4/14 dated 4 August

2022 of the Central Election Commission of the Republic of Azerbaijan

INSTRUCTION

on the rules for conducting pre-election campaign

via mass media in Municipal Elections

1. General Provisions

1. This Instruction establishes rules for conducting pre-election campaign in mass media during the Municipal Elections of the Republic of Azerbaijan (hereafter referred to as Municipal Elections).

The instruction has been made in accordance with requirements of Article 47 of the Constitution of the Republic of Azerbaijan, Election Code of the Republic of Azerbaijan (hereinafter referred to as - Election Code), the Law of the Republic of Azerbaijan "On mass media".

1.2. Explanation of some concepts used in the Instruction:

1.2.1. pre-pre-election campaign by means of TV and radio (hereinafter referred to as - TV-radio) - TV-radio broadcasting of information, in a manner and form established by legislation, for campaigning electorate to vote for a candidate;

1.2.2. pre-election campaign by periodicals - placing information in periodicals, in a manner and form established by legislation, for campaigning electorate to vote for a candidate;

1.2.3. types of pre-election campaigns on mass media - speech, interview, press conference, open discussion, debate, round-table discussion, political advertising, TV and video films about candidate (except for feature films);

1.2.4. speech - explaining pre-election program and platform to electorate by TV-radio broadcasting;

1.2.5. interview - answers given by registered candidates, their authorized representatives and agents¹, political party the candidate of which has been registered, authorized representatives of political party blocs to questions of mass media people during meetings with these people;

1.2.6. press conference - comments on pre-pre-election program, including answers to media questions, made by registered candidates, political parties, bloc of political parties, their authorized representatives and other legitimate persons;

1.2.7. open discussion - discussing pre-pre-election program and platform with other subjects;

1.2.8. debate - open exchange of views of two or more registered candidates, as well as, authorized representatives of political parties, bloc of political parties with regards to pre-election program;

1.2.9. round-table discussions - discussions and exchange of views between registered candidates, authorized representatives of political parties and bloc of political parties registered within pre-election campaign and media representatives, TV-radio audience;

1.2.10. political advertising - placing advertising material, in a manner established by legislation, in mass media to form public opinion in favor of pre-election program or platform.

2. Duration and subjects of pre-election campaign

2.1. As established by legislation, pre-election campaign in connection with Municipal Elections shall commence 23 days prior to voting day and stop 24 hours prior to the voting. Conducting any pre-election campaign shall be banned on voting day and from 08.00 on the eve of voting day.

2.2. Subjects entitled to conduct pre-election campaign are the following:

2.2.1. registered candidates;

2.2.2. political parties with registered candidates;

2.2.3. blocs of political parties with registered candidates;

2.2.4. pre-election campaign, on behalf of subjects mentioned in items 2.2.1, 2.2.2 and 2.2.3 of this instruction, can be conducted by their authorized representatives and agents within authority empowered to them.

2.3. TV-radio broadcasting organizations specified according to type of property and broadcasting capabilities to participate in pre-election campaign are as below:

2.3.1. Public TV-radio broadcasting organizations covering half, more than half or less of the territory of the Republic of Azerbaijan;

2.3.2. Private TV-radio broadcasting organizations founded by physical and legal entities and based on private property.

.When the authorized representatives and agents of the registered candidates, political parties and political party blocs participate in pre-election campaign, then they shall function within the competence provided to them and the execution of this competence shall not be legally suspended.

2.3.3. Municipal TV and radio broadcasting organizations - the founders of which are the municipal bodies.

2.4. Periodicals specified according to the type of property and broadcasting capability, to participate in election:

2.4.1. state-owned press periodicals - founded by governmental agencies, organizations, departments or state budgeted periodicals covering half, more than half or less than half territory of the Republic of Azerbaijan;

2.4.2. private periodicals - founded by independent physical or legal entities.

2.4.3. municipal periodicals - the founders of which are the municipal bodies.

2.5. Air time for pre-election campaign by TV-radio broadcasting organizations mentioned in items 2.3.1, 2.3.3., 2.4.1 and 2.4.3 of this instruction, as well as, publications in periodicals shall be provided on free or paid basis, and by organizations mentioned in items 2.3.2 and 2.4.2 of this instruction on paid basis, only.

3. Procedures and terms of providing air time in TV-radio broadcasting organizations and publications in periodicals on free basis

3.1. Political parties, bloc of political parties the candidates of which have been registered in more the half of the municipalities within the Republic are entitled to free air time in public TV-radio broadcasting organizations covering half or more than half of the territory Republic of Azerbaijan, to free publications, as a minimum, in weekly state of the periodicals covering half or more than half of the territory of the Republic of Azerbaijan. List of the subject TV-radio broadcasting organizations and periodicals' editorial offices shall be published by Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as - Central Election Commission), in accordance with the presentation of National TV and Radio Council, as well as, Azerbaijan Press Council, no later than 20 days after official publication of decision on calling elections.

3.2. Public TV-radio broadcasting organizations covering less than half of the territory Republic of Azerbaijan, state periodicals covering less than half of the territory of the Republic of Azerbaijan may form facilities for political parties, bloc of political parties the candidates of which have been registered in more than 1/3 of the municipalities to conduct pre-election campaign. List of the subject TV-radio broadcasting organizations and periodicals' editorial offices shall be published by the relevant Constituency Election Commission (Con.EC) in accordance with the presentation of National TV and Radio Council, as well as, Azerbaijan Press Council, at latest within 30 days after official publication of decision on calling elections.

3.3. Municipal TV-radio broadcasting organizations and periodicals are obliged to form equal conditions and facilities for all registered candidates to this municipality membership, as well as political parties, bloc of political parties the candidates of which have been registered to conduct campaign.

3.4. Prior to commencement of pre-election campaign the subject TV-radio broadcasting organizations and periodicals' editorial offices mentioned in items 3.1, 3.2 and 3.3. of the Instruction shall inform Central Election Commission or Con.ECs of duration and cost of free air time to ensure payment of free air time and publication cost of registered candidates to municipality membership who participated in voting and collected less than 3 percents of votes after completion of elections.

3.5. TV-radio broadcasting organizations and periodicals' editorial offices mentioned in items 3.1, 3.2 and 3.3. of the Instruction shall, in a week's period after commencement of pre-election campaign, carry out casting of lots among registered candidates, political parties, blocs of political parties to distribute provided free air time according to their applications.

3.5.1. Upon completion of general registration campaign subjects are allowed to apply to the body conducting lottery before a period mentioned in item 3.5 of this instruction. TV-radio broadcasting organizations, based on these applications is allowed to carry out casting of lots in advance.

3.5.2. Notice of the body conducting lottery on place and time of casting of lots shall be officially published at least 24 hours prior to the lottery.

3.5.3. Relevant election commission members, candidates, authorized representatives or agents of political parties, blocs of political parties with registered candidates, citizens of the Republic of Azerbaijan having observer's status on legal ground, media people and international observers can participate in casting of lots.

3.5.4. Casting of lots shall be arranged and carried out by the lottery commission established by the relevant TV-radio broadcasting organizations. Casting of lots shall be carried out on the date, time declared by lottery commission and among registered candidates who have applied for air time, political parties with registered candidates, authorized representatives of blocs of political parties with assistance of TV-radio broadcasting organizations representatives and subjects mentioned in item 3.5.3 of this instruction.

3.5.5. According to number of subjects to participate in casting of lots identical quadrangular paper pieces of the similar size shall be prepared. These pieces of paper with scope of air time, as well as, publications in periodicals on them, shall be numbered, folded up, cast into a box and mixed up. Then each member of the lottery commission shall pull out a folded paper and declare the number written on it. Candidates, political parties, blocs of political parties participating in the lottery, upon their wish, also may be charged with this task.

3.5.6. Provision of air time following to casting of lots by lottery commission shall be registered by a protocol and a table (Appendix #1 to the instruction) be drawn up and submitted to election commission which organized lottery and shall publish it in a manner established by legislation.

3.6. Casting of lots with regards to provision of place for publications in periodicals shall be carried out according to procedure and within a period specified in item 3.5 of this instruction. Protocol and table shall be drawn up and published based on result of the casting of lots (Appendix #2 to the instruction).

3.7. Total free air time provided by public TV-radio broadcasting organizations covering half or more than half of the territory Republic of Azerbaijan for pre-election campaign should not be less than 3 hours a week. Total volume of free air time provided by public TV-radio broadcasting organizations covering less than half of the territory Republic of Azerbaijan for pre-election campaign should not be less than an hour 30 minutes in a week, if the duration of the programs by these TV-radio broadcasting organizations is less than 2 hours during a day, then the mentioned airtime should not be less than 1/4 of the total volume of the broadcast.

3.8. Volume of free provided publication pages in each of periodicals founded by governmental agencies which cover half or more than half of the Republic of Azerbaijan territory should make up at least 10 percent of total weekly publication pages before pre-election campaign. In order to determine the norms for each campaign subject to use the allocated space in the pages of the relevant periodical, the total volume allocated for campaign shall be divided to the general number of the registered candidates, political parties, political party blocs entitled to free publish of pre-election materials in these periodicals.

3.9. Should candidates, political parties, blocs of political parties refuse to use free air time in TV-radio broadcasting organizations, until broadcasting or publication, unused air time and publication place can not be used for other purposes including pre-election campaign. In this case, allocated but unused air time and publication place should be kept vacant in the subject period and in the subject scope, and reasons of unavailability be mentioned.

3.10. 1/3 part of the total volume of free airtime allocated by TV-radio broadcasting organizations shall be provided to the political parties, political party blocs candidates of which have been registered in more than or ore than 1/3 part of the municipalities to conduct discussions, round-tables and other similar campaign activities. Refusal of the registered candidates, political parties, political party blocs candidates of which have been registered in more than or more than 1/3 part of the municipalities from the participation in these campaign activities shall not form the cause for raising freely submitted airtime.

Note: *The requirements indicated in this item are not obligatory for the municipal TV- radio broadcasting organizations.*

3.11. For the political parties, political party blocs entitled to conduct pre-election campaign in public TV-radio broadcasting organizations to hold joint campaign activities in the channels of these TV-radio broadcasting organizations, airtime shall be allocated, calculated and separately realized. Free allocated airtime shall be used by the political parties, political party blocs on equal grounds. In this case, the volume of airtime used by each political party, political party bloc shall be separately determined.

4. Procedures and terms of providing paid air time and paid publication space in TV-radio broadcasting organizations

4.1. Public TV-radio broadcasting organizations and periodicals implied in item 3.1 of the Instruction should, on contractual basis, provide paid air time and paid publication place to enable registered candidates, political parties with registered candidates, blocs of political parties to conduct campaign and periodical editorials shall preserve additional airtime in reserve in their pages for allocating paid space. Broadcasting or publication of pre-election campaign material by private TV-radio broadcasting organizations and periodicals should be based on free will principle. These structures can not be forced to participate in pre-election campaign. If private TV-radio organizations and periodicals agree to participate in pre-election campaign, terms of broadcasting or publication of pre-election campaign material should be equal for all candidates, political parties and blocs of political parties.

Note: *these procedures do not apply to periodicals founded by registered candidates, political parties, blocs of political parties.*

4.2. When private TV-radio broadcasting organizations and periodicals adopt decision on availability of airtime and publication place for pre-election campaign, they give to Central Election Commission appropriate notices thereof, make public payment grounds, terms

and amount for provision of air time and publication place for preelection campaign material no later than 30 days after official publication of decision on calling election. Once campaign subjects are determined, they also should be given a notification thereof in a manner specified by legislation. Paid air time shall be provided in accordance with laws on advertising.

4.3. Payment for the paid air time and publication place provided by TV-radio broadcasting organizations and periodicals specified in items 2.3 and 2.4 of this instruction shall be carried out on equal basis and terms for election subjects.

4.4. Total provided air time can not be less than and twice as much as total free air time, except for periodicals founded by physical and legal entities, total paid publication place provided in other periodicals should not be less than total number of pages provided for free publication.

4.5. Norm of paid usage of air time public TV-radio broadcasting organizations shall be determined by dividing its total volume into number of subjects entitled to conduct campaign in the relevant TV-radio broadcasting organizations.

4.5.1. Norm of usage of the allocated space for pre-election campaign on paid grounds in state periodicals shall be determined by dividing its total volume into number of subjects entitled to conduct campaign in the relevant periodicals. This space may be used by the candidates to municipality membership due to the relevant payment.

4.6. Date and time of pre-election campaign material broadcasting is established on the basis of notice given by registered candidates, political parties with registered candidates, blocs of political parties or by TV-radio broadcasting organizations and editorial offices of periodicals in the result of casting of lots among subjects of casting of lots with assistance of persons mentioned in item 3.5.3 of this instruction.

4.7. Casting of lots for provision of air time and place in periodicals shall be conducted within period and in a manner specified in this instruction.

4.8. After casting of lots air time and place for publication in periodicals are provided on the basis of signed contract. The contract covers the following:

4. 8.1.form of pre-election campaign;

4.8.2. broadcasting time, date or publication date;

4.8.3. duration of provided air time, scope of place provided for publication, payment procedure and amount;

4.8.4. form and terms of participation of a leading journalist in TV-radio broadcasting process.

4.9. In addition to the above mentioned other terms may also be determined on contractual basis to ensure lawful pre-election campaign.

4.10. After implementation of contractual terms, usage of provided air time (place for publication) a statement of air time usage, including name of broadcast (publication material) and time of broadcasting (publication), shall be drawn up.

4.11. Registered candidate, political party, bloc of political parties should submit payment order of complete settlement of amount for provided air time and publication places in

periodicals to appropriate bank no later than 48 hours before provision of air time or date of campaign material publication. Bank should transfer money without delay. Duration of cashless settlement should not be more than 2 (two) banking days.

4.12. Cost of air time and publication place provided in periodicals shall be paid only at the expense of specific election funds of the candidates to municipality membership or single election fund of political parties, political party blocs.

4.13. If provided air time and places in periodicals are rejected after casting of lots, notices thereof should be given at least 2 days before airing to appropriate TV-radio broadcasting organization and 5 days, accordingly, till the publication day to periodical's editorial office. TV-radio broadcasting organizations and periodical editorial offices can not use the disengaged air time and publication place for pre-election campaign purposes. These structures shall make use of the disengaged opportunities at their discretion, except for pre-election campaign.

4.14. In case the contract is liquidated TV-radio broadcasting organizations can make use neither of the disengaged air time, nor periodicals for pre-election campaign purposes.

5. Free and paid airtime allocated by TV and radio broadcasting organizations, free and paid space allocated by periodicals for pre-election campaign

In accordance with requirement of Article 79 of Election Code free and paid air time provided by TV-radio organization for pre-election campaign or free and paid place provided in periodical pages should be registered by the appropriate TV-radio organization and periodical's editorial office. The registration should be made in a separate book with date of provision of publication place and description of campaign material for each registered candidate, political party, or bloc of political parties. Central Election Commission should be given a notification of the registration no later than 5 days before and no earlier than 5 days after voting day. The notification shall be given in a form of letter reflecting extract from the book.

6. Restrictions associated with conducting pre-election campaign in mass media.

6.1. The below subjects are banned to conduct election:

6.1.1. foreign states and foreign legal entities;

6.1.2. State owned TV-radio broadcasting organizations, except for those specified in Article 77.1 of Election Code;

6.1.3. foreign countries' citizens;

6.1.4. persons without citizenship;

6.1.5. citizens under 18 years old;

6.1.6. legal entities of the Republic of Azerbaijan, if by the date of official publication of decision on calling elections share (property) of foreign states, foreign citizens or persons without citizenship in charter capital of the legal entities of the Republic of Azerbaijan is more than 30 percent;

6.1.7. international organizations and international public movements;

6.1.8. state authorities and municipal structures;

- 6.1.9. state, municipal organizations and agencies;
- 6.1.10. juridical persons with more than 30 percent of state or municipality share in their charter capital by the date of official publication of decision on calling elections;
- 6.1.11. charitable organizations, religious unities, agencies, organizations;
- 6.1.12. persons performing their duties or functions and at the same time occupying positions in state bodies, offices, organizations or municipal bodies or organizations;
- 6.1.13. state and municipal officers;
- 6.1.14. military officers;
- 6.1.15. election commissions, election commission members with decisive voting right and other persons in charge.

6.2. Below actions are banned while conducting pre-election campaign in mass media:

- 6.2.1. suspending pre-election campaign material broadcasting by goods, jobs and services advertising or broadcasting other programs;
- 6.2.2. suspending pre-election campaign material broadcasting on TV-radio organization's channel by broadcasting other TV-radio programs;
- 6.2.3. charging for information associated with conducting election related measures;
- 6.2.4. including appeals to forced usurpation of power, forced change of constitutional structure and violation of territorial integrity of the state, assumptions harming citizens' honor and dignity in pre-election campaign material (this ban should be imposed in accordance with Article 47 of the Constitution Republic of Azerbaijan);
- 6.2.5. using a form of campaign which leads to social, racial, national, religious enmity and hostility;
- 6.2.6. conducting campaign which breaks legislation on intellectual property;
- 6.2.7. *Excluded.*

6.3. TV-radio broadcasting organizations and periodicals, as well as, other subjects of pre-election campaign which create conditions for conducting pre-election campaign have to meet their contractual obligations.

7. In case subjects of campaign process break contractual terms while making use of air time and periodicals TV-radio broadcasting organizations are allowed to refer to court for termination of contract for provision of air time and publication place in periodicals.

8. Control over compliance to pre-election campaign regulations specified in Election Code, as well as, in this instruction by means of periodicals shall be carried out by a Press Group arranged by Central Election Commission and consisting chiefly of journalists.

9. Non-compliance to the terms given in this instruction is subject to responsibility established by legislation.

