

INSTRUCTION

on procedures of conducting pre-election campaign in mass media for Elections to the Milli Majlis of the Republic of Azerbaijan

1. General Provisions

1.1. This instruction establishes procedures of conducting election campaign in mass media during elections to the Milli Majlis of the Republic of Azerbaijan (hereinafter referred to as Milli Majlis).

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

1.2. Explanation of some concepts used in the instruction:

1.2.1. registered candidate – the person registered in accordance with Election Code to be elected to the Milli Majlis;

1.2.2. bloc of political parties – the body established by two or more than two political parties to participate jointly in Elections to the Milli Majlis;

1.2.3. 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;

1.2.4. election campaign by periodicals – broadcasting information in periodicals, in a manner and form established by legislation, for campaigning electorate to vote / not to vote for a candidate;

1.2.5. election campaigns on mass media - speech, interview, press conference, open discussion, “round-table”, political advertising, TV and radio programs, video films about candidate (except for feature films);

1.2.6. speech – explaining election program and platform to electorate by TV-radio broadcasting;

1.2.7. interview – answers given by registered candidates, their authorised representatives and delegates, political party with registered representative, authorised representatives and delegates of political parties bloc to questions of mass media people during meetings with these people;

1.2.8. press conference – comment on pre-election campaign of the candidates including the replies of the registered candidates, political parties, blocs of political

parties the candidates of which have been registered, their authorized representatives and agents;

1.2.9. open discussion – discussing election program and platform with other subjects;

1.2.10. debut – view opinion on pre-election campaigns of the authorized representatives of two or more registered candidates, as well as the political parties, blocs of political parties on behalf of them;

1.2.11. “round-table” discussions – discussions and exchange of views between candidates, authorised representatives of political parties and bloc of political parties registered within election campaign and media representatives, TV-radio audience;

1.2.12. political advertising – placing advertising material, in a manner established by legislation, in mass media to form public opinion in favour of election program or platform;

1.2.13. TV and radio broadcasting programs – information and other collection of materials on the registered candidate and his/her pre-election campaign program prepared for TV and radio broadcasting during pre-election campaign and which is considered separate, complete part of TV and radio programs from the organizational and thematic view of point.

2. Duration and subjects of election campaign:

2.1. As established by legislation election campaign in connection with elections to the Milli Majlis shall commence 23 days prior to voting day and stop 24 hours before voting day. Conducting any election campaign shall be banned on voting day and from 08.00 on the eve of voting day.

2.2. Below subjects are entitled to conduct election campaign:

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. 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 authorised representatives and delegates within authority empowered to them.

***Note:** While participating in pre-election campaign, registered candidates, the authorized representatives and agents of the political parties, blocs of political parties the candidates of which have been registered shall function in the frame of their competence and the implementation of these authorities should not be impeded.*

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

2.3.1. Public TV-radio broadcasting organisations – Azerbaijan Public TV-radio broadcasting organisations covering half, more than half of the territory of the Republic of Azerbaijan and their relevant sections, as well as public TV and radio broadcasting

organizations broadcasted in less part than the half of the territory of the Republic of Azerbaijan;

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

2.3.3. Municipal TV and radio broadcasting organizations – TV and radio broadcasting organizations the founders of which are the municipal bodies and broadcasted at least within the territory of the relevant municipality.

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

2.4.1. state-owned periodicals – founded by governmental agencies, organisations, departments or state budgeted periodicals covering half, more than half or less than half of the territory of the Republic of Azerbaijan, issued at least once in a week;

2.4.2. Municipal TV and radio periodicals – periodicals the founders of which are the municipal bodies and issued at least once in a week;

2.4.3. private periodicals – founded by independent physical or juridical persons.

2.5. Public TV and radio broadcasting organizations and state periodicals shall allocate airtime for pre-election campaign or space for paid and free publication.

And location of pre-election campaign materials by the municipal and private TV-radio broadcasting organizations and periodicals shall be realized only on the paid bases.

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

3.1. Political parties, bloc of political parties the candidates of which have been registered in more than 60 constituencies are entitled to free air time in public TV-radio broadcasting organizations covering half or more than half of the territory of the 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.

3.2. List of the subject TV-radio broadcasting organisations and periodicals' editorial offices covering half or more than half of the territory of the Republic of Azerbaijan shall be published by Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as - Central Election Commission), in accordance with recommendations 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.

3.3. Free airtime submitted by TV and radio broadcasting organizations shall be equally distributed on the same conditions among the political parties, blocs of political parties the candidates of which have been registered in more than 60 constituencies.

3.4. In the aim of defining the date and time of broadcasting pre-election campaign materials, the lottery shall be conducted among the political parties, blocs of political parties the candidates of which have been registered in more than 60 constituencies on their own apply within a week after commencing the period of pre-election campaign.

3.5. Casting of lots shall be arranged and carried out by the lottery commission established by the Central Election Commission and by the participation of the representatives of the relevant TV-radio broadcasting organizations mentioned in item 3.5.3 of this instruction . Information of the body conducting the lottery on the place and date of casting lots shall be published at least 24 hours prior to the conduct of the lottery.

3.6. Relevant election commission members, registered 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.

3.7. 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 the participation of the subjects mentioned in item 3.6 of this Instruction.

3.8. 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 date and time, shall be numbered, folded up, cast into a box and mixed up. Then each representative of the subjects conducting lottery shall pull out a folded paper and declare the number written on it (the implementation of this action may be tasked upon to the other persons on general agreement, too). Distribution of free airtime in Public TV and radio organizations shall be implemented in the order implied by Article 155.2.

3.9. Results of the lottery shall be made official by the lottery commission with the relevant protocol. Besides, the lottery commission shall compile the table of providing airtime. This table shall be published by the Central Election Commission in the periodicals broadcasted in half or more than the half of the territory of the Republic of Azerbaijan (Appendices # 1 and 2 made to the Instruction).

3.10. The lottery on the allocation of the space for publication in the periodicals implied by the item # 3.1 of this Instruction shall be conducted by the lottery commission organized at the editorials of periodicals in the manner indicated in the item # 3.8 of the Instruction on the day of starting pre-election campaign (while conducting lottery at the editorials of the periodicals, the four-corner papers prepared for the lottery should contain the volume and date of the space of free publication).

The persons indicated in the item # 3.6 of this Instruction may participate in the conduct of the lottery in the periodicals. The information of the body conducting lottery on the place and date of casting lots shall be officially published at least 24 hours prior to the conduct of the lottery. Results of the lottery shall be made official by the protocol and the table shall be compiled (Appendix # 3 made to the Instruction). This table shall be published by the editorial of the relevant periodical.

3.11. Total volume of free airtime allocated for pre-election campaign by public TV and radio organizations broadcasted to half or more than the half of the territory of the Republic of Azerbaijan should not be less than 3 hours in a week.

3.12. The candidates registered on single-mandate constituencies, the political parties, blocs of political parties the candidates of which have been registered in 60

constituencies or in less than 60 constituencies are entitled to free airtime in public TV and radio organizations the programs of which are broadcasted in less part than the half of the territory of the Republic of Azerbaijan, the programs of which are broadcasted to half or more than the half of the territory of the Republic of Azerbaijan, as well as are entitled to the relevant space for free publication in the periodicals broadcasted to less part than the half territory of the Republic of Azerbaijan and in the state periodicals issued at least once in a week.

3.13. The Constituency Election Commission shall publish the list of the TV and radio organizations which allocated free airtime according to the item # 3.12 of the Instruction and the periodicals which allocated free space for the publication not later than 30 days since the day of official publication of the decision on the appointment of elections according to the presentation of National TV and Radio Council and Azerbaijan Press Council.

3.14 . Free airtime submitted by TV and radio organizations shall be distributed among the registered candidates, the political parties, blocs of political parties the candidates of which have been registered in 60 or less than 60 constituencies on equal terms.

3.15. In the aim of defining the date and time of broadcasting pre-election campaign materials at TV and radio organizations indicated in the item # 3.12 of this Instruction, the lottery shall be conducted among the registered candidates on single-mandate constituencies, political parties, blocs of political parties the candidates of which have been registered in more than 60 or less than 60 constituencies on their own apply within a week after commencing the period of pre-election campaign.

3.16. The lottery implied by the item # 3.15 of this Instruction shall be arranged by the lottery commission established by the relevant election commission and shall be implemented by the participation of the representatives of the TV and radio organizations indicated in the item # 3.12 of the Instruction. The information on the place and date of conducting the lottery shall be published at least 24 hours prior to the conduct of the lottery.

3.17 . The lottery shall be conducted on the day, time and in the place declared by the lottery commission in the manner defined by the item # 3.8 of the Instruction. During distributing free airtime the requirements of Article 155.2 of Election Code shall be complied with. The persons implied by the item # 3.6 of the Instruction may participate in the conduct of the lottery.

3.18. The lottery commission shall compile the relevant protocol on the results of the lottery. Besides, the lottery commission shall compile the table of providing airtime and submitted to the relevant election commission (Appendices # 1 and 2 made to the Instruction). The election commission shall publish this table in the state periodicals broadcasted in half or more than the half of the territory of the Republic of Azerbaijan .

3 . 19. Casting of lots related with the allocation of space for the publication in state periodicals broadcasted in less part of the territory of the Republic of Azerbaijan and issued at least once in a week shall be conducted at the editorials of periodicals by the lottery commission established by these editorials and in the manner mentioned in the item 3.10 of this instruction on the day of commencing pre-election campaign.

Information of the body conducting the lottery on the place and date of casting lots shall be officially published at least 24 hours prior to the conduct of the lottery. The persons

indicated in the item # 3.6 of this Instruction may participate in the conduct of the lottery. Results of the lottery shall be made official by the protocol and the table shall be compiled (Appendix # 3 made to the Instruction). This table shall be published by the editorial of the relevant periodical.

3.20. Free airtime allocated by public TV and radio organizations broadcasted to less than the half of the territory of the Republic of Azerbaijan should not be less than an hour 30 minutes in a week for pre-election campaign. If total time of the programs of these organizations is less than 2 hours in a day, then the mentioned airtime should not be less than $\frac{1}{4}$ part of total volume of the programs.

3.21. $\frac{1}{3}$ part of the total volume of free airtime allocated by TV-radio broadcasting organizations indicated in the items # 3.1 and 3.12 of the Instruction shall be provided to the registered candidates, political parties, political party blocs candidates of which have been registered in more than 60 single-mandate constituencies to conduct discussions, round-tables and other similar campaign activities.

3.22. Volume of free provided publication pages in each of periodicals indicated in the items # 3.1 and 3.12 of the Instruction should make up at least 10 percent of total weekly publication pages freely allocated for the registered candidate, the political parties, blocs of political parties the candidates of which have been registered during pre-election campaign.

3.23. The expenses paid for free airtime and place for the publication in state periodicals at TV and radio organizations for pre-election campaign of the registered candidate, the political parties, blocs of political parties the candidates of which have been registered shall be reimbursed by state budget.

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

4.1. Municipal and private TV-radio broadcasting organizations, periodicals may allocate paid airtime or paid space on the contract for the registered candidate, political parties, blocs of political parties the candidates which have been registered. Public TV-radio broadcasting organizations and state should, on contractual basis, provide paid air time and paid publication place to enable registered candidates, political parties, blocs of political parties with registered candidates to conduct campaign and periodical editorials shall preserve additional airtime in reserve in their pages for allocating paid space.

4.2. Broadcasting or publication of pre-election campaign materials by private and municipal 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.

4.3. Bases, terms and amount of the cost for the paid airtime and place for publication allocated by the TV-radio organizations and periodicals mentioned in the item # 4.1 of the Instruction shall be defined equally for the registered candidate, the political parties, blocs of political parties the candidates of which have been registered. If private TV-radio organizations and periodicals agree to participate in pre-election campaign, then terms of broadcasting or publication of pre-election campaign materials should be equal the registered candidate, the political parties, blocs of political parties the candidates of which have been registered.

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

4.4. Relevant TV-radio broadcasting organizations and periodical editorials shall send notification on the paid airtime and space in periodicals allocated for pre-election campaign to the Central Election Commission or Constituency Election Commission, thereof publish information on payment grounds, terms and amount for provision of air time and publication place for pre-election campaign materials 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.

4.5. Payment bases and terms for the paid air time and publication place provided for pre-election campaign subjects shall be equal for all candidates.

4.6. Total volume of paid air time provided by public TV and radio organizations can not be less than and twice as much as total free air time. Total volume of the paid place for publication in the pages of state periodicals should not be less than the volume of freely allocated publication pages. Allocation of airtime and space for publication in the aim of the paid pre-election campaign by municipal and private TV-radio organizations and periodicals shall be settled according to the discussions of these organizations.

4.7. Norm of paid usage of the airtime and space for publication for the political parties, blocs of political parties the candidates of which have been registered notwithstanding the number of each registered candidate, registered candidates shall be determined by dividing its time and total volume into number of subjects considered to conduct campaign.

4.8. Date and time of broadcasting or publishing pre-election campaign materials is established by TV-radio broadcasting organizations and editorial offices of periodicals on the basis of notice submitted by registered candidates or their authorized representatives, agents, authorized representatives, agents of political parties with registered candidates, blocs of political parties at the result of casting of lots among subjects casting lots.

4.9. For allocating paid airtime and space in periodicals, the lottery shall be relevantly conducted in the manner indicated in the items # 3.8 and 3.10 of the Instruction. This lottery shall be organized and conducted by the lottery commission established at TV-radio organizations and periodical editorials. Information of the body conducting the lottery on the place and date of casting lots shall be officially published at least 24 hours prior to the conduct of the lottery. The lottery shall be conducted at TV-radio organizations with a week after commencing pre-election campaign and in periodical editorials on the day of commencing pre-election campaign. The persons indicated in the item # 3.6 of this Instruction may participate in the conduct of the lottery.

4.10. After casting of lots air time and place for publication in periodicals are provided on the basis of signed contract.

4.10.1. The contract covers the following:

4.10.1.1. form of pre-election campaign;

4.10.1.2. broadcasting time, date or publication date;

4.10.1.3. duration of provided air time, scope of place provided for publication, payment procedure and volume;

4.10.1.4. form and terms of participation of a leading journalist in types of pre-election campaign such as interviews, press conferences, open discussions, debuts, "round tables".

Note: In addition to those mentioned in the items # 4.10.1.1-4.10.1.4 of the Instruction, other terms may also be determined on contractual basis to ensure lawful pre-election campaign.

4.10.2. If it is refused from using airtime and space allocated in periodicals after conducting the lottery, then the registered candidate, the political parties, blocs of political parties the candidates of which have been registered shall inform the relevant TV-radio broadcasting organization 2 days prior to broadcasting and at least 5 days prior to publication on this.

4.11. Cost of airtime and space allocated in the periodicals shall be paid by election funds. 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 and at latest 2 days prior to date of campaign material's publication. Bank should transfer money without delay. Duration of cashless settlement should not be more than 2 banking days.

4.12. After using the airtime allocated by implementing the contract terms, an act shall be compiled on the usage of the airtime by indicating the date of broadcasting.

4.13. When canceling the contract implied by the item # 4.10.1 of the Instruction, in the cases included in the item # 4.10.2 of the Instruction, TV-radio broadcasting organizations and periodical editorial offices can not use the disengaged air time and publication place for pre-election campaign purposes.

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

5.1. 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 form 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 and the relevant Constituency Election Commission shall be informed related with the candidates registered at single-mandate constituencies.

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

6.1. The below subjects are banned to conduct pre-election campaign:

6.1.1. foreign states and foreign legal entities;

6.1.2. foreign citizens;

6.1.3. persons without citizenship;

6.1.4. citizens under 18 years old;

6.1.5. 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 legal entities, foreign citizens or persons without citizenship in charter capital of the legal entities of the Republic of Azerbaijan is more than 30 percent;

6.1.6. international organizations and international public movements;

6.1.7. state authorities and municipal structures;

6.1.8. state, municipal organizations and agencies;

6.1.9. 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;

6.1.10. military divisions;

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 rights and other persons in charge;

6.1.16. state-owned TV-radio broadcasting organizations.

6.2. Below actions are banned while conducting pre-election campaign via TV-radio broadcasting organizations by the registered candidate, the political parties, blocs of political parties the candidates of which have been registered:

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. locating the assumptions on forced usurpation of power, forced change of constitutional structure and violation of territorial integrity of the state, harming citizens' honor and dignity in pre-election campaign materials (this ban should be imposed in accordance with Article 47 of the Constitution of the 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. in contrary to requirements of Article 19 part 1 of the Law "On Advertising" displaying marking of goods (models) produced in the result of entrepreneurship activity of independent physical persons, commercial and non-commercial organizations, names of commercial organizations and physical persons dealing with entrepreneurship while broadcasting pre-election campaign material by TV-radio broadcasting organizations.

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

7. Control over compliance of pre-election campaign in mass media with the requirements of election legislation

7.1. 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 according to Article 74.5 of Election Code by Central Election Commission and consisting chiefly of journalists.

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