



Strasbourg, 24 April 2013

Opinion no. 720 / 2013

CDL-REF(2013)018

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ACT
ON ELECTORAL PROCEDURE OF 2012
OF HUNGARY
(EXTRACTS)

„71. Political advertisement and political publicity

146. § For the purposes of this Chapter:

a) political advertisement shall mean a political advertisement within the meaning of Section 203/55 of Act CLXXXV of 2010 on Media Services and Mass Media (hereinafter: Media Act) with the proviso that party, political movement and government shall mean nominating organisation and independent candidate.

b) political publicity shall mean any content published in the press or in a cinema in return for consideration, promoting or advocating support for a nominating organisation and independent candidate, or promoting the name, objectives, activities, slogan, or emblem of such entities.

147. § (1) The media service provider may publish political advertisement of nominating organisations and independent candidates under equal conditions. In the case of joint candidates the nominating organisations are entitled to order a political advertisement together.

(2) No opinion or appraising commentary may be attached to a political advertisement.

(3) The media service provider may neither ask nor accept any consideration in return of the political advertisement.

(4) The entity ordering a political advertisement to be published in an audiovisual media service shall provide for the subtitling and sign language translation.

(5) The publication of political advertisement shall be in other questions governed by the Media Act.

(6) In the campaigning period leading up to the general election of the Members of Parliament the public service media service providers shall publish, under the conditions set out in paragraphs (7)-(8), after the final registration by the National Election Committee of all national lists and candidates of individual electoral districts, in a predetermined number of occasions and length, the political advertisements of

a) nominating organisations that have established a national list

b) nominating organisations that have not established a national list neither alone or with other nominating organisations, but that have presented candidates of individual electoral districts

c) independent candidates.

(7) In the campaigning period leading up to the general election of the Members of Parliament the air time available to nominating organisations that have established a national list – 600 minutes altogether regarding all national lists and all media service providers – shall be allocated between media service providers, in equal portions relating to national lists.

(8) In the campaigning period leading up to the general election of the Members of Parliament the air time available to nominating organisations that have not established a national list neither alone or with other nominating organisations, but that have presented candidates of individual electoral districts and independent candidate – which shall be 1/30 of the air time available to a national list under paragraph (7) per candidate – shall be allocated between media service providers, in proportion with the number of candidates finally registered.

(9) The rules set out in paragraph (6)a) and (7) shall be also applicable to elections of the Members of the European Parliament with the proviso that the available air time for all lists and all media service providers shall be 300 minutes.

(10) Political advertisement by and in favour of nominating organisations that have established a national list for the general election of the Members of Parliament and nominating organisations that have established a list for the elections of the Members of the European Parliament may only be published in public service media, subject to the provisions in paragraph (6)-(9).

148. § (1) In press products defined in Section 203/60 of the Media Act, political publicity may be published during the campaign period in accordance with the rules laid down in this Section. Political publicity published in the press shall be immediately recognizable and distinct from other media content.

(2) If a press product wishes to publish political publicity, it shall send to the National Audit Office a price list for its publicity services within five working days after the call for elections. The National Audit Office shall enter the price list into its records and publish it on its website. The press product shall publish the same price list on its own website.

(3) Political publicity shall only be published by press products which have had their price lists registered with the National Audit Office. Political publicity shall only be published in return for the consideration indicated in the registered price list. The media outlets of publishers established in Hungary shall only publish political publicity if they are listed in the official register kept under the Media Act.

(4) The press products defined in paragraph (1) shall inform the National Audit Office of published political publicities within 15 days after the day of voting. This information shall contain a list of publicities published for each candidate and nominating organisation, the customer who ordered the publicity, the remuneration paid, the time of publication and the volume. The National Audit Office shall publish this information on its website.”