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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LITHUANIA

**DRAFT LAW ON FUNDING OF, AND CONTROL OVER FUNDING OF,
POLITICAL CAMPAIGNS**

AND

**ARTICLE 35 OF THE LAW ON ELECTIONS
TO MUNICIPAL COUNCILS**

**REPUBLIC OF LITHUANIA LAW
ON FUNDING OF, AND CONTROL OVER FUNDING OF,
POLITICAL CAMPAIGNS**

23 August 2004 No. IX-2428

Vilnius

(As last amended on 16 October 2014 No XII-1251)

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Objective of the Law

The objective of this Law shall be to ensure democracy of political campaigns, legality, transparency and openness of funding of political campaigns, to regulate the procedure and control of funding of political campaigns.

Article 2. Definitions

1. **Auditor's report of factual findings** shall mean a document, in which the auditor provides results of an independent verification of an independent political campaign participant and which is prepared under this Law, in compliance with international standards on related services and according to the the terms of reference approved by the Central Electoral Commission of the Republic of Lithuania (hereinafter: 'the Central Electoral Commission') and defining the scope of work assigned to the auditor.

2. **Auditor** shall mean a natural person holding the title of the certified auditor granted according to the procedure laid down by the Republic of Lithuania Law on Audit.

3. **Donations** shall mean cash, movables or immovables, information, property rights, results of intellectual activities, and other material and non-material values transferred to beneficiaries without return consideration, actions and voluntary works carried out free of charge as well as results of such actions intended for funding a political campaign of an independent political campaign participant.

4. **Donor** shall mean a person who, in accordance with the procedure laid down by this Law, has the right to make, and has made, a donation for the benefit of an independent political campaign participant.

5. **Donation sheet** shall mean a document with technological security measures, bearing a series and a number given in the course of production and intended to confirm the transfer-acceptance of a donation.

6. **Candidate** shall mean a person who, in accordance with the procedure laid down by the law, is registered as a potential candidate for President of the Republic or as a candidate for President of the Republic, as a candidate in a single-member constituency at an election to the Seimas of the Republic of Lithuania (hereinafter: 'the Seimas') or an election to municipal councils as well as a candidate in a multi-member constituency at an election to the Seimas, the European Parliament or municipal councils.

7. **Political campaign** shall mean activities of political campaign participants, voters and other natural and legal persons during the period set by this Law, related to elections to the Seimas, presidential elections, elections to the European Parliament, elections to municipal councils or referendums.

8. **Political advertising** shall mean information disseminated by a state politician, political party, its member, political campaign participant, on behalf and/or in the interest thereof, in any form and through any means, for payment or without return consideration, during the political campaign period or between political campaigns, where such information is intended to influence the motivation of voters when voting at elections or referendums, or where it is disseminated with the purpose of campaigning for a state politician, political party, its member or political campaign participant as well as their ideas, objectives or programme.

9. **Political campaign participant** shall mean a person or a group of persons who seek to be elected or that a referendum issue be accepted or rejected and who are registered by the Central Electoral Commission in accordance with the procedure laid down by this Law.

10. **Political campaign funding report** shall mean a document in which an independent political campaign participant specifies donations or their sums received for his political campaign broken down into groups of donors, other funds used for his political campaign, donors (presenting a list of donors) as well as incurred expenditure and assumed liabilities (broken down into expenditure groups).

11. **Political campaign expenditure** shall mean expenses specified in this Law intended to organise and fund a political campaign, irrespective of the date of the transaction which entailed expenses.

12. **Political campaign treasurer** shall mean a natural person acting on behalf and in the interest of an independent political campaign participant under a property trust agreement and enjoying the rights and duties defined by this Law.

13. **Political campaign period** shall mean a period beginning when an election date is announced in accordance with the procedure laid down by the law, or a citizens' initiative group for a referendum is registered at the Central Electoral Commission, or a motion is submitted to the Seimas by a group of Seimas members to call a referendum, and ending 100 days after the date of proclamation of the final results of the election (rerun election) or referendum or when the Central Electoral Commission takes a decision in accordance with the procedure laid down by the law to declare the initiative to call a referendum terminated and/or to declare the collecting of signatures terminated.

14. **Political campaign account** shall mean an account of an independent political campaign participant with a bank registered in the Republic of Lithuania or another European Union Member State or with a branch of a bank registered in the European Economic Area and operating in the Republic of Lithuania, in which funds for a political campaign are kept and accrued and from which expenses for a political campaign are covered.

15. **Monitoring of funding of political campaigns, and of political advertising** shall mean collection, accumulation, analysis and evaluation for the purposes defined by this Law of the data about the funding of political campaigns and their participants, the funding and dissemination of election (referendum) campaigning and political advertising during the period of political campaigns and between political campaigns.

16. **Potential candidate** shall mean a natural person who satisfies statutory requirements for standing as a candidate, who has declared during the period from the beginning of a political campaign to the end of submission of application documents that he will stand as a candidate, and who has concluded an agreement with the political campaign treasurer and has been registered as an independent political campaign participant in accordance with the procedure laid down by the Central Electoral Commission.

17. **Referendum initiators** shall mean members of an initiative group of citizens of the Republic of Lithuania who are registered at the Central Electoral Commission in accordance with the procedure laid down by the law or a group of Seimas members which has submitted a motion to call a referendum.

18. **Referendum opponents** shall mean persons who are registered at the Central Electoral Commission in accordance with the procedure laid down by the law, i.e. citizens of the Republic of Lithuania, their groups, and political parties, opposing referendum initiators.

19. **Election (referendum) campaigning** shall mean activities for disseminating political advertising during the election (referendum) campaigning stage, for the purpose of influencing motivation of voters when voting at elections or a referendum.

20. **Declaration of a public information producer or disseminator** shall mean a document to be submitted to the Central Electoral Commission, by which a public information producer or disseminator declares the disseminated political advertisements, indicates the price, rates, publishing (space) of the disseminated political advertisements and the person in the interest of whom the political advertisements have been disseminated as well as the person who has commissioned the production or dissemination of the political advertisements and the person who has paid for the dissemination of the political advertisements.

21. **Public election committee** shall mean a group of voters registered by the Central Election Commission in accordance with the procedure laid down by the law.

Article 3. Independent and represented political campaign participants

1. According to the right to receive donations and incur political campaign expenditure political campaign participants may be independent and represented.

2. The following may be registered only as an independent political campaign participant:

- 1) a political party;
- 2) a potential candidate;
- 3) a self-nominated candidate;
- 4) referendum initiators;
- 5) referendum opponents;
- 6) a public election committee.

3. A candidate nominated in a single-member constituency, a list of candidates nominated in an election to municipal councils or to the European Parliament (hereinafter: a 'candidate' or a 'list of candidates') may be registered as an independent political campaign participant, where there is a proposal (application) of the political party or the public election committee that has nominated them.

4. The following shall be registered as a represented political campaign participant:

- 1) a candidate entered on the list of candidates;
- 2) a candidate or a list of candidates, in the absence of a proposal (application) of the political party which nominated him/them for registration as an independent political campaign participant.

5. The Central Electoral Commission shall register independent political campaign participants, announce on its website the lists of registered independent political campaign participants and persons whose registration as independent political campaign participants has been refused.

6. Only independent political campaign participants may accept donations and assume property obligations relating to political campaign expenditure and only from the date of their registration as independent political campaign participants and announcement of their list on the website of the Central Electoral Commission.

7. Lists of represented political campaign participants may be made public by a political party on behalf and in the interest of which they act, or by the Central Electoral Commission at the request of such a party.

Article 4. Political campaign period stages

1. Political campaign shall include the following stages: an election (referendum) campaigning and a final (reporting) stage.

2. An election (referendum) campaigning stage shall begin when an election (referendum) date is announced in accordance with the procedure laid down by the law and end when the statutory period of time, during which election (referendum) campaigning is prohibited, begins. During the run-off voting the said stage shall also comprise a period from the end of the prohibition of election campaigning until the beginning of the prohibition of campaigning for run-off votes. A referendum campaigning stage shall begin when a citizens' initiative group for a referendum is registered at the Central Electoral Commission or a motion is submitted to the Seimas by a group of Seimas members to call a referendum and shall end when a time limit set by the Law of the Republic of Lithuania on Referendums, during which referendum campaigning is prohibited, begins.

3. A final (reporting) stage shall begin when the final results of the election (rerun election) or the referendum are proclaimed and end 100 days after the date of proclamation of the final results of the election (run-off election) or referendum.

Article 5. Registration of independent political campaign participants

1. The Central Electoral Commission shall begin accepting applications of the persons referred to in Article 3(2) and (3) of this Law to register them as independent political campaign participants upon the commencement of the political campaign period and shall finish accepting the

said applications on the date (inclusive) when, pursuant to the relevant laws, the submission of application documents begins. The time limit during which these persons shall be entitled to apply to the Central Electoral Commission to be registered as independent political campaign participants may not be shorter than ten working days.

2. Persons wishing to be registered as independent political campaign participants must have an agreement with the political campaign treasurer concluded and have an account with a bank registered in the Republic of Lithuania or any other European Union Member State or with a branch of a bank registered in the European Economic Area and operating in the Republic of Lithuania, which will be used as a political campaign account.

3. A political party wishing to be registered, and to register a candidate or a list of candidates nominated by it, as an independent political campaign participant:

1) must submit to the Central Electoral Commission an application to be registered, and may submit to it a proposal (application) to register a candidate or a list of candidates nominated by it, as an independent political campaign participant;

2) must, in accordance with the procedure laid down by this Law, submit to the Central Electoral Commission a copy of the property trust agreement with the political campaign treasurer signed by the person authorised by the political party and may submit a copy of the contract with the political campaign auditing firm or the auditor;

3) must submit the document confirming that a new bank account has been opened in the name of the political party which will be used as a political campaign account, and the bank statement issued not earlier than three working days before submission of the said document that there are no funds in this account;

4) if a proposal (application) to register a candidate or a list of candidates as an independent political campaign participant has been submitted, the Central Electoral Commission must be provided with a copy of the property trust agreement with his political campaign treasurer and the document confirming the opening of a new bank account in the name of the political party that nominated a candidate or a list of candidates, which will be used as a political campaign account, as well as the statement that there are no funds in this account; a copy of the contract with the political campaign auditing firm or the auditor may also be submitted to the Central Electoral Commission;

5) may submit a list of represented political campaign participants;

4. The persons referred to in Article 3(2)(2) to (6) of this Law wishing to register as independent political campaign participants must provide to the Central Election Commission:

1) an application for registration as an independent political campaign participant;

2) an identity document (of initiators of the referendum, referendum opponents or the representative (coordinator) of a public election committee);

3) a copy of the property trust agreement with the political campaign treasurer, signed in accordance with the procedure laid down by this Law, and may submit a copy of the contract with the political campaign auditing firm or the auditor;

4) an identification document of the political campaign treasurer;

5) the document confirming that a bank account has been opened which will be used as a political campaign account, and the statement issued not earlier than three working days before submission of the said document that there are no funds in this account; An account of the political campaign of initiators of the referendum, referendum opponents or public election committee shall be opened by the coordinator.

5. A decision on registration as an independent participant of the political campaign shall be taken by the Chairman of the Central Electoral Commission or the Commission member authorised by him not later than within three working days from the date of the receipt of all the documents referred to in this Article.

6. Refusal to register a person as an independent political campaign participant must be justified. If a person does not agree with the adopted decision, he shall have the right to appeal against the said decision to the Central Electoral Commission. The Central Electoral Commission must examine the complaint within three working days. The decision of the Central Electoral Commission may be appealed against to the Supreme Administrative Court of Lithuania not later than within five working days from its adoption.

7. The following shall be announced on the website of the Central Electoral Commission:

1) the name or the forename and surname of an independent political campaign participant, its/his status in political campaign (potential candidate, candidate, referendum initiator or referendum opponent), phone number, e-mail address;

2) the forename, surname, telephone number, e-mail address of the political campaign treasurer;

3) the name, code, telephone, e-mail address of the political campaign auditing firm or the name and surname, telephone, e-mail address of the auditor;

4) political campaign participants represented by the political party and the spending limits set for them by the political party, if so requested by this political party.

Article 6. Loss of the status of an independent political campaign participant

1. A political party shall forfeit the status of an independent political campaign participant in the following cases:

- 1) at the request of the political party;
- 2) upon imposition of a penalty on the political party under the court sentence (during the period of execution of the sentence);
- 3) upon revocation of the registration of all candidates or a list of candidates (lists of candidates) nominated by the political party;
- 4) when the party ceases to exist;
- 5) when the Central Electoral Commission revokes not later than nine days before the election or referendum date the registration of a political party as an independent political campaign participant because of gross violations of this Law.

2. Any other independent political campaign participant shall forfeit the status of an independent political campaign participant in the following cases:

- 1) at the request of the political campaign participant;
- 2) a potential candidate has failed to be registered as a candidate by the end of the time limit set in electoral laws for registration of candidates;
- 3) upon revocation of the registration of a candidate or a list of candidates;
- 4) upon the death of the political campaign participant;
- 5) when the Central Electoral Commission revokes not later than nine days before the election or referendum date the registration of an independent political campaign participant because of gross violations of this Law.
- 6) upon revocation of the registration of the public election committee.

3. From the moment of entry into force of the decision on the forfeiture of the status of the independent political campaign participant, the independent political campaign participants who have forfeited the status of the political campaign participant shall not have the right to accept the donations referred to in Articles 10 and 11 of this Law to fund the political campaign and to assume obligations related to the political campaign. Forfeiture of the status of the independent political campaign participant shall not excuse from the duty to fulfil the obligations, arising from this and other laws, of the person who has forfeited the status of the independent political campaign participant.

4. The decisions of the Central Electoral Commission specified in Point 5 of Paragraph 1 and Point 5 of Paragraph 2 of this Article may be appealed against to the Supreme Administrative Court of Lithuania within five working days from the adoption thereof. An appeal must be

investigated not later than within 48 hours of the receipt thereof. The decision of the Supreme Administrative Court of Lithuania shall become effective from its pronouncement.

CHAPTER TWO
SOURCES OF FUNDING OF POLITICAL CAMPAIGNS.
POLITICAL CAMPAIGN EXPENDITURE

Article 7. Sources of funding of political parties' political campaigns

1. Political campaigns of political parties shall be financed exclusively from the following sources:

1) funds of the political party received from the sources of funding of the political party and used to finance political campaigns of the party, candidates and lists of candidates of the party;

2) donations for political campaign to the political party during the political campaign period, given by natural persons who under this Law have the right to donate;

3) during the political campaign, loans received by a political party from banks registered in the Republic of Lithuania or another European Union Member State or a branch of a bank registered in the European Economic Area and operating in the Republic of Lithuania;

4) interest on the funds kept in the political campaign account.

2. Political parties must keep funds designated to finance a political campaign in the political campaign account. The political campaign account shall not be subject to any interim measures.

3. It shall be prohibited to finance political campaigns of political parties with the funds which are not specified in this Article.

Article 8. Sources of funding of political campaigns of other independent political campaign participants

1. Political campaigns of other independent political campaign participants shall be financed from:

1) donations of natural persons who under this Law have the right to donate and donations of political parties to candidates, lists of candidates or referendum initiators, or referendum opponents;

2) own (personal) funds;

3) interest on the funds kept in the political campaign account.

2. Funds designated to a finance political campaign must be kept in the political campaign account. The political campaign account shall not be subject to any interim measures.

3. It shall be prohibited to finance political campaigns of other independent political campaign participants with other funds which are not specified in this Article.

Article 9. Source of funding of political campaigns of represented political campaign participants

Political campaigns of represented political campaign participants shall be financed exclusively from the funds of participants of independent political campaigns who nominated them.

Article 10. Donations

1. Independent political campaign participants, registered in accordance with the procedure laid down by this Law, shall enjoy the right to accept donations specified in this Law.

2. One natural person, referred to in Article 13 of this Law, may, during a political campaign, donate for each independent political campaign participant a donation which does not exceed the amount of 10 average monthly earnings valid in the fourth quarter of the previous calendar year (hereinafter: 'AMEs'). During a calendar year the total amount of donations by one natural person for independent political campaign participants may not exceed 10 per cent of the amount of the annual income declared by the natural person for the last calendar year (where the donation is given after 1 May) or the amount of the annual income declared by the natural person for the calendar year before last (where the donation is given before 1 May). These amounts shall not include donations referred to in Article 11 of this Law.

3. In order to fund his own political campaign a candidate in a single-member constituency and candidates included in the lists nominated by the public election committees, and referendum initiators may donate a donation which does not exceed the amount of 20 AMEs.

4. A natural person must declare in accordance with the procedure established by the law his assets and income before donating a donation to an independent political campaign participant.

5. Cash donations of natural persons that exceed EUR 290 must be donated only by bank transfer. Cash donations of natural persons for the political campaign received not by bank transfer shall be transferred by the political campaign treasurer to the political campaign account not later than the next day after receipt of the donation.

6. Not later than within 10 days from the day of receipt of a donation the political campaign treasurer shall announce the name, surname of a donor-natural person on the public list of donors placed on the website of the Central Electoral Commission.

7. A donation sheet must be filled in: when accepting a cash donation – on the day of transfer–acceptance of the donation and when accepting a non-cash donation – within five working days from the day of receipt of the donation. Donation sheets must indicate the value of cash donations, non-cash donation and its market value, the name and surname, personal number of the donor-natural person. Donation sheets shall be drawn up in three copies; the first copy shall be given to the donor, the second – to the Central Electoral Commission and the third copy shall be left with the beneficiary.

8. It shall be taken that a donation has been accepted when the political campaign treasurer, upon verifying if the received donation satisfies the requirements of this Law, records the donation and, if the cash donation or non-cash donation is accepted, hands in (sends) a donation sheet to the donor.

9. The procedure for appraising non-cash donations and estimating their fair value shall be laid down by the Government or an institution authorised by it.

10. Upon the end of the election (referendum) campaigning stage it shall be prohibited to accept donations for the political campaign.

11. A political campaign participant shall not have the right to use for funding the political campaign the received monetary donations which are not entered on the accounting records of political campaign funding, as well as the donations specified in paragraph 7 of this Article if the political campaign treasurer has not filled the donation sheet out.

12. The provisions of this Article shall apply to small donations in so far as they are not regulated by Article 11 of this Law.

Article 11. Small donation

1. A small donation shall be considered an individual monetary donation (amount of donations) donated during a political campaign to one independent political campaign participant and not exceeding EUR 12.

2. Small donations to independent political campaign participants may be donated by phone, internet, bank transfer or other means, allowing the controlling authorities of financing of political campaigns to identify the donor.

3. Small donations may be donated by phone only by natural persons who have concluded a service contract with the telecommunications company.

4. An independent political campaign participant shall acquire the right to collect donations by phone from the moment of concluding a contract with the telecommunications company chosen by him. The following must be specified in the said contract:

1) the telephone number at which a person may call and give a small donation to the independent political campaign participant who concluded such contract;

2) the period of provision of the service which may not last longer than until the end of the election (referendum) campaigning;

3) the cost of the service;

4) duty of the service provider to submit a list of donors together with the data allowing to identify the donor immediately at the request of the controlling authorities of funding of political campaigns;

5) commitment of the service provider to an independent political campaign participant that the transferred donation (total amount of donations) would not exceed EUR 12.

5. A copy of the contract referred to in paragraph 4 of this Article shall be submitted to the Central Election Commission immediately after the contract is concluded. The Central Election Commission shall, no later than the next working day, publish the text of the contract on its website.

6. The telecommunications company must transfer all the donations which are collected on the basis of the contract referred to in Paragraph 4 of this Article and which meet with the requirements of this Law to the political campaign account of an independent political campaign participant no later than by the end of the election (referendum) campaigning.

7. After the person forfeits the status of an independent political campaign participant, the contract provided for in Paragraph 4 of this Law terminates from the moment of the coming into effect of the decision of the Central Election Commission regarding the forfeiture of the status of an independent political campaign participant. All donations collected but not transferred to the independent political campaign participant until the moment of the coming into effect of this decision shall be returned to donors.

8. Donations collected on the basis of the contract provided for in Paragraph 4 of this Article and transferred to the independent political campaign participant shall not be considered financing of an independent political campaign participant through third parties.

9. The telecommunications company shall provide the service specified in Paragraph 4 of this Article to all independent political campaign participants on the same terms. Provision of the service, specified in Paragraph 4 of this Article, free of charge shall be considered a non-cash donation and shall be prohibited.

10. In case of a political campaign of an independent political campaign participant not more than 10 per cent of the fixed maximum permitted amount of political campaign expenses may be funded with small donations provided for in this Article.

11. The total amount of small donations received by an independent political campaign participant without specifying the donors shall be indicated in the accounting records of political campaign funding and published on the Central Electoral Commission's website.

12. A political campaign participant who has received in accordance with the procedure laid down in this Article the donations exceeding the limit set in Paragraph 10 of this Article shall transfer such donations to the state budget before the submission of a political campaign funding report to the Central Electoral Commission.

Article 12. Unacceptable donations

1. It shall be prohibited to use for political campaigns the received donations that do not meet the requirements of this Law. If such donations have been received and the donor is known, the political campaign treasurer must, within five working days from the date of receipt of such donation, return the donation to the donor, indicating the reason for refusing to accept the donation. In the event of failure to establish the identity of the donor within 10 working days, the political campaign treasurer shall transfer the donation to the state budget.

2. It shall be prohibited to fund participants of political campaigns through third parties.

3. The following shall not be regarded as unacceptable donations and may be used to fund a political campaign:

1) small donations given by phone and received from the telecommunications companies with which an independent political campaign participant has entered into a contract specified Article 11(4) of this Law;

2) the donations exceeding 10 per cent of the amount of the annual income declared by a donor, if, according to the data available in the information system of the Central Electoral Commission at the moment of the inquiry of the political campaign treasurer, the total amount of the donations by that donor (including the donation offered to be donated to an independent political campaign participant) for independent political campaign participants does not exceed the specified amount.

Article 13. Donors

1. The following persons shall have the right to make donations to political campaign participants:

1) citizens of the Republic of Lithuania – to independent political campaign participants of all political campaigns;

2) permanent residents of the Republic of Lithuania holding the citizenship of any other EU Member State – to independent political campaign participants of political campaigns of elections to the European Parliament and municipal councils;

3) permanent residents of the Republic of Lithuania who do not hold the citizenship of any other EU Member State or stateless persons – to independent political campaign participants of political campaigns of elections to municipal councils.

2. Political parties shall enjoy the right to make donations for political campaigns of candidates, lists of candidates, referendum initiators or referendum opponents.

3. Political campaign funding agreements confirming property and non-property (political) obligations of a political campaign participant (beneficiary) and a donor must be drawn up in writing. They must be signed by the political campaign participant (beneficiary), the political campaign treasurer and the donor. Political campaign funding agreements must be announced publicly and may not be contrary to public policy or good morals. It shall be prohibited to conclude secret commitments. A copy of the political campaign funding agreement together with a political campaign funding report must be transferred to the Central Electoral Commission. The Commission must announce the text of the agreement on its website.

4. Agreements between donors and beneficiaries with respect to commitments to private (personal and (or) group) interests shall be prohibited.

5. Persons elected to the European Parliament, state or municipal institutions shall be prohibited from representing donors' private (personal and (or) group) interests and taking decisions exceptionally favourable to the donors.

6. The definition "a permanent resident of the Republic of Lithuania" used in points 2 and 3 of paragraph 1 of this Article shall be interpreted as it is defined in the Law of the Republic of Lithuania on Elections to the European Parliament and the Law of the Republic of Lithuania on Elections to Municipal Councils.

Article 14. Political campaign expenditure and spending limits

1. When a political campaign begins all political campaign expenditure may be paid only from the funds kept in the political campaign account.

2. In those cases where the constituency covers the entire territory of the Republic of Lithuania, the maximum amount of political campaign expenditure of one independent political campaign participant shall be calculated in the following manner: the number of voters entered on

the electoral roll of the Republic of Lithuania shall be multiplied by EUR 0.29 and the received product shall be rounded up within the accuracy of the first two significant digits.

3. In those cases where the constituency covers a part of the territory of the Republic of Lithuania, the maximum amount of political campaign expenditure of one independent political campaign participant shall be calculated in the following manner: the number of voters of one constituency shall be multiplied by EUR 0,58 and the received product shall be rounded up within the accuracy of the first two significant digits. If the received product is less than EUR 5 792, the fixed maximum amount of political campaign expenditure shall be EUR 5 792. In elections to municipal councils a political party, which has nominated a list (lists) of candidates, may additionally spend for this political campaign not more than 10 per cent of the maximum amount of political campaign expenditure of the list (lists) of candidates nominated by this party.

4. Expenditure and assumed liabilities of a political campaign participant during a political campaign shall be recognised as political campaign expenditure, where such liabilities and expenditure are designated for:

- 1) production or distribution of political advertising or any other campaigning material through any means of the mass media or in any other public mode;
- 2) remuneration of the political campaign treasurer and performance of his functions;
- 3) payment for the services of a political campaign audit firm or auditors;
- 4) rent of movable or immovable property necessary during the political campaign;
- 5) rent, exploitation of vehicles used for the political campaign;
- 6) communications, meals, provision of accommodation and transport of political campaign volunteers, political party's or candidate's representatives for the election or election (referendum) observers;
- 7) other needs related to the political campaign as prescribed by this Law.

5. Expenditure satisfying the purpose indicated in paragraph 4 of this Article but incurred not during a political campaign, if the property and other assets specified in the said paragraph are intended for the political campaign or if the services are received during the political campaign, shall be recognized as political campaign expenditure. In this case political campaign participants must inform the Central Electoral Commission about this, attaching copies of the documents confirming the expenditure. Where necessary, the Central Electoral Commission may request additional information.

6. The amount of every political campaign participant's expenditure referred to in paragraphs 4 and 5 of this Article may not exceed the maximum amounts of political campaign expenditure set in paragraph 2 or 3 of this Article. In the cases where a run-off voting is conducted

under the election law, the maximum amount of political campaign expenditure of a candidate participating in the run-off voting shall be increased by 25 per cent.

7. The following shall not be regarded as political campaign expenditure:

1) the expenditure incurred by political parties, potential candidates, candidates, referendum initiators, referendum opponents or public election committees under contracts for legal services;

2) expenditure designated for the payment of an election deposit;

3) expenditure designated for potential candidate's, candidate's travelling (transport and provision of accommodation) to a constituency;

4) expenditure for the payment of the rent and maintenance of the facilities of the political party and for activities of the staff, where such expenditure is incidental to this political party not during the political campaign.

8. If during the political campaign a political campaign participant (with the exception of the political parties, candidates or lists of candidates nominated by them) gathered more funds than it was used to cover the political campaign expenditure, the unused funds must be transferred to the state budget prior to the submission of a political campaign funding report to the Central Electoral Commission. Funds that have not been used by political parties, candidates or lists of candidates nominated by them may be designated only for funding activities of the political parties. The political campaign account (with the exception of the account opened in the name of a political party or a candidate) shall be closed prior to the submission of a political campaign funding report to the Central Electoral Commission.

CHAPTER THREE POLITICAL ADVERTISING

Article 15. Marking of political advertising

1. During a political campaign, political advertising must be marked in accordance with the procedure laid down by the law by indicating the source of funding and visibly separated from other disseminated information.

2. Political advertising which is not marked during a political campaign pursuant to the requirements set out by legal acts or marked not in compliance with legal acts shall be regarded as surreptitious political advertising and shall be prohibited. Dissemination of surreptitious political advertising shall impose liability established by the law.

3. Besides the special requirements laid down in this Law, the principles and requirements for advertising set out in the Law of the Republic of Lithuania on the Provision of Information to the Public shall apply to advertising.

Article 16. Dissemination of political advertising in the media

1. It shall be prohibited to disseminate political advertising:

- 1) on the front page of a periodical;
- 2) if the dissemination of such advertising is in violation of the Constitution and laws of the Republic of Lithuania.

2. Besides the restrictions laid down in paragraph 1 of this Article, during an election (referendum) campaign it shall be prohibited to disseminate political advertising:

- 1) for free, except discussion programmes;
- 2) on television, except discussion programmes and campaigning-related videos of not less than 30 seconds duration in which a political campaign participant informs about his political programme or speaks on issues topical to the public;

3. Expenditure of a political campaign participant for the campaigning videos referred to in point 2 of paragraph 2 of this Article may not exceed 50 per cent of the allowed maximum amount of political campaign expenditure set for the political campaign participant.

4. During a political campaign, public information producers or disseminators may disseminate political advertising only at the rates and under the conditions which are equal to all political campaign participants and which are submitted to the Central Electoral Commission. The rates and conditions of political advertising applicable during a political campaign may not be presented or changed during the political campaign. The rates and conditions of political advertising applicable not later than until a political campaign may be changed with the consent of the Central Electoral Commission. The Central Electoral Commission shall immediately announce the rates on its website.

5. Public information producers and disseminators may refuse to disseminate political advertising which contains the material compromising other political parties or political campaign participants, if it is refused to bear potential expenses related to dissemination of a counter opinion.

6. The following shall not be regarded as political advertising:

- 1) information notices of usual character disseminated during the period other than a political campaign about activities of state politicians, political parties, their management bodies, with the exception of the cases where such notices agitate to vote in the interest of the state

politician, political party or its candidate during a future political campaign, or remuneration is provided for such notices, or remuneration is envisaged;

2) information notices of usual character disseminated free of charge during a political campaign about activities of state politicians, political parties, candidates, as well as information which refrains from inciting non-participation in a referendum, voting for or against the adoption of a decision submitted for the referendum.

7. During a political campaign public information producers or disseminators must electronically submit to the Central Electoral Commission a public information producer's or disseminator's declaration twice (thrice): 10 days remaining before an election or referendum day (five days remaining in the event of run-off voting) and not later than within 25 days after the proclamation of the final results of the election (rerun election) or the referendum

8. Political campaign participants shall, together with a political campaign funding report, submit to the Central Electoral Commission a report on political advertising done during the election (referendum) campaigning as well as the sources of its funding.

9. After the Central Electoral Commission announces candidates (lists of candidates), the following shall be financed with state budget funds from the appropriations allocated to the Central Electoral Commission:

1) discussions of candidates over the radio and on television with the aim of presenting election programmes in compliance with the principle of equality and according to the procedure laid down by the Central Electoral Commission;

2) information disseminated in accordance with the procedure laid down by the Central Electoral Commission, encouraging participation in elections.

CHAPTER FOUR

FINANCIAL ACCOUNTING AND ARREARS OF POLITICAL CAMPAIGNS

Article 17. Financial accounting of political campaigns

1. Independent political campaign participants shall handle the financial accounting of a political campaign in accordance with the procedure laid down by this Law and other legal acts.

2. The financial accounting of a political campaign shall be managed by the political campaign treasurer with whom a person wishing to be registered as an independent political campaign participant must conclude a property trust agreement in accordance with the requirements of Chapter L of Book Six of the Civil Code of the Republic of Lithuania.

3. A citizen of the Republic of Lithuania or a permanent resident of the Republic of Lithuania may be a political campaign treasurer, except:

- 1) a potential candidate or a candidate;
- 2) a referendum initiator and a referendum opponent;
- 3) an electoral or referendum committee member;
- 4) an auditor who carries out an independent inspection of a political party or an independent political campaign participant in accordance with the procedure laid down by this Law;
- 5) a natural person who has been declared by the court legally incapable or who has not completed serving a court-imposed sentence;
- 6) a public election committee member.

4. The political campaign treasurer shall:

- 1) fill in and sign donation sheets, accounting records of the political campaign funding, a political campaign funding report;
 - 2) manage and store financial accounting-related documents of the political campaign in accordance with the procedure laid down by this Law and the Accounting Law of the Republic of Lithuania;
 - 3) within 10 working days announce on the website of the Central Electoral Commission the data on donations received and political campaign funding agreements concluded during the political campaign;
 - 4) control political campaign expenditure and supervise that the said expenditure would not exceed the expenditure amounts fixed in Article 14(2) and (3) of this Law;
 - 5) if an obligation set out in Article 20(1) of this Law does not arise for an independent political campaign participant, submit a political campaign funding report to the Central Electoral Commission not later than within 25 calendar days from the proclamation of the final results of the election (rerun election) or referendum;
 - 6) if an obligation set out in Article 20(1) of this Law arises for an independent political campaign participant, submit a political campaign funding report and the auditor's report of factual findings to the Central Electoral Commission not later than within 85 calendar days from the proclamation of the final results of the election (rerun election) or referendum;
 - 7) together with a political campaign funding report submit to the Central Electoral Commission the documents substantiating political campaign proceeds and expenditure;
 - 8) perform other duties laid down by this Law.
5. An independent political campaign participant or a person authorised by him shall:
- 1) sign accounting records of political campaign funding and a political campaign funding

report;

2) immediately transfer the concluded agreements and other financial documents over to the political campaign treasurer;

3) create conditions for the political campaign treasurer to exercise the rights set out for him in legal acts.

6. All political campaign proceeds received by a political party from the sources specified in Article 7(1) of this Law and all political campaign proceeds received by other independent political campaign participants from the sources specified in Article 8 of this Law as well as political campaign expenditure or assumed financial liabilities shall be entered in the accounting records of political campaign funding.

7. All political campaign proceeds and expenditure as well as assumed liabilities (according to the expenditure groups) shall be specified in a political campaign funding report in compliance with the description of the procedure for filling in and submitting a political campaign funding report approved by the Central Electoral Commission. The list of donations and donors or sums of donations according to the groups of donors shall be submitted separately.

8. When the political campaign treasurer terminates the agreement, is unable to carry out his duties because of the circumstances laid down in paragraph 3 of this Article or dies, an independent political campaign participant must conclude an agreement, referred to in paragraph 2 of this Article, with another person and notify the Central Electoral Commission about this.

Article 18. Arrears of political campaign participants and clearance thereof

Each year before 1 February, until the arrears are paid off, a former independent political campaign participant must inform the Central Electoral Commission about the clearance of the arrears and the sources of funds used for that. A political party shall have the right to pay off the arrears only from the assets belonging to the party by the right of ownership, the received donations and the state budget appropriations allocated to the political party, and other political campaign participants – only with own (personal) funds.

CHAPTER FIVE
MONITORING, CONTROL AND PUBLICITY OF
FUNDING OF POLITICAL CAMPAIGNS.
INSPECTION OF POLITICAL CAMPAIGN PARTICIPANTS

Article 19. Control of funding of political campaigns

1. Funding of political campaigns shall be controlled by the Central Electoral Commission and other institutions within their remit in accordance with the procedure laid down by the law.

2. The Central Electoral Commission shall:

1) approve the model form of a donation sheet;

2) approve model forms of the accounting record of political campaign funding, the declaration of a public information producer or disseminator, the report on political advertising done during the election (referendum) campaigning as well as the sources of its funding, as well as the description of the procedure for filling out and submission of the above mentioned documents;

3) after consultation with the Lithuanian Chamber of Auditors, approve the model form of the political campaign funding report;

4) approve the description of the procedure for filling out and submission of the political campaign funding report;

5) approve the description of the procedure for marking political advertising;

6) after consultation with the Lithuanian Chamber of Auditors, approve the terms of reference for an audit firm or an auditor carrying out independent inspection of an independent political campaign participant, defining the scope of work carried out by the auditor;

7) control the compliance by political campaign participants with the requirements of this Law and propose to hold liable for violations of this Law or to appeal to other institutions whose competence granted by the law allow to inspect the compliance with the requirements laid down by the law;

8) create conditions and be responsible that a declaration of the public information producer or disseminator, political campaign funding reports would be announced on the website of the Central Electoral Commission immediately after the receipt of their data and would be updated so that the said data would conform to the obtained information;

9) fix the maximum amounts of political campaign expenditure in particular constituencies and announce them not later than by 1 January of each year;

10) register donation sheets, issue them and control their usage;

11) provide software to transfer data of accounting records of political campaign funding, data of a declaration of the public information producer or disseminator, for declaration of rates and conditions applicable by a public information producer or disseminator during the political campaign, for printing political campaign funding reports, declarations of the public information producer or disseminator according to the transferred data;

12) announce on the website of the Central Electoral Commission the rates applicable by a public information producer or disseminator during the political campaign;

13) together with the State Tax Inspectorate under the Ministry of Finance (hereinafter: 'the State Tax Inspectorate') create conditions for a political campaign treasurer to check in the information system of the Central Electoral Commission whether or not a donation meets the requirements of Article 10(2) of this Law. The Central Electoral Commission shall be responsible for the proper functioning of this information system.

3. The Central Electoral Commission shall control the use of funds designated for a political campaign.

4. The Central Electoral Commission shall be responsible for continuous timely provision of information about violations of funding of political campaigns to the Special Investigation Service of the Republic of Lithuania and to the Prosecutor General's Office of the Republic of Lithuania.

5. The State Tax Inspectorate shall inspect whether or not donors possessed enough income to make donations and whether or not the income has been taxed in accordance with the procedure laid down by the law. The State Tax Inspectorate shall inform the Central Electoral Commission about the performed inspection and the violations of legal acts established during it.

Article 20. Independent inspection of independent political campaign participants

1. An independent political campaign participant who during the political campaign has received the sum of revenue exceeding the amount of 70 AMEs must conclude with an audit firm a contract for the independent inspection of an independent political campaign participant. The political campaign treasurer shall submit a copy of the said agreement to the Central Electoral Commission not later than within 25 calendar days from the date of proclamation of the final results of the election (rerun election) or the referendum.

2. Independent inspection of independent political campaign participants which have received the sum of revenue lower than the amount of 70 AMEs during the political campaign shall be organised by the Central Electoral Commission In order to carry out independent inspection of independent political campaign participants referred to in this paragraph the Central Electoral

Commission shall have the right to purchase services of audit firms or auditors in accordance with the procedure laid down by legal acts.

3. The auditor:

1) must carry out independent inspection of an independent political campaign participant in compliance with legal acts of the Republic of Lithuania and according to the terms of reference approved by the Central Electoral Commission defining the scope of work assigned to the auditor;

2) shall have the right to obtain from a political campaign treasurer and a political campaign participant or the Central Electoral Commission all the documents necessary to carry out independent inspection of the independent political campaign participant;

4. An independent political campaign participant must cooperate with an auditor carrying out independent inspection and present data, documents and other information necessary to carry out inspection.

Article 21. Publicity of funding

1. The Central Electoral Commission shall announce political campaign funding reports together with the auditor's report of factual findings (if such report is mandatory) on its website not later than within 100 days after the proclamation of the final results of the election (rerun election) or the referendum.

2. Declarations of public information producers or disseminators, political campaign funding reports and the auditors' reports of factual findings, reports concerning the dissemination of political advertisements during an election (referendum) campaign and the funding sources thereof, contracts of political campaign participants with service providers, public information producers or disseminators shall be public and presented in accordance with the procedure laid down by the Central Electoral Commission, ensuring the protection of personal data.

Article 22. Monitoring of funding of political campaigns, and of political advertising

1. For the purposes of this Law monitoring of the funding of political campaigns and monitoring of political advertising shall be conducted during an election (referendum) campaigning.

2. Monitoring of the funding of political campaigns, and of political advertising shall be conducted by the Central Electoral Commission.

3. The methods of and the procedure for monitoring the funding of political campaigns, and of political advertising shall be laid down by the Central Electoral Commission.

4. When conducting monitoring of the funding of political campaigns, and of political advertising, the Central Electoral Commission shall have the right to procure monitoring services in accordance with the procedure laid down by legal acts.

5. The Central Electoral Commission shall constantly announce on its website the summarised data on monitoring of the funding of political campaigns, and of political advertising. Controlling authorities must, within their remit, be furnished with detailed monitoring data; a political campaign participant – only with the monitoring data on his political campaign.

CHAPTER SIX

LIABILITY

Article 23. Gross violations of this Law

1. The following shall be considered to be gross violations of this Law:

1) funding of a political campaign participant with unacceptable donations specified in Article 12 of this Law;

2) if a political campaign participant makes decisions to use for a political campaign the donations received from the persons who have no right to fund political campaigns or from the unacceptable sources of funding of the political campaign;

3) if a political campaign participant concludes political campaign funding agreements by violating the requirements of this Law;

4) presentment of knowingly false data in a political campaign funding report;

5) exceeding of the fixed maximum amount of political campaign expenditure by 10 or more per cent;

6) if political campaign participant's expenditure on undeclared political advertising or undeclared political campaign expenditure makes up 10 or more per cent of the fixed maximum amount of political campaign expenditure;

7) if undeclared funds of a political campaign participant received for a political campaign makes up 10 or more per cent of the fixed maximum amount of political campaign expenditure;

8) loss of the documents subject to safekeeping, other activities because of which it is impossible to determine whether a political campaign funding report of the political campaign participant is accurate;

9) dissemination of surreptitious political advertising, if the expenditure on surreptitious political advertising makes up 10 or more per cent of the fixed maximum amount of political campaign expenditure;

10) dissemination of political campaign through foreign broadcasters by violating the requirements of this Law for political advertising;

11) exceeding of the expenditure fixed in Article 16(3) of this Law for campaigning video clips during a political campaign.

2. The Central Electoral Commission shall take a decision whether a political campaign participant has grossly violated this Law.

3. Having established the circumstances referred to in paragraph 1 of this Article and having received the explanations, the Central Electoral Commission shall have the right to take a decision that this Law has not been grossly violated.

4. The political campaign participant shall have the right to appeal to the Supreme Administrative Court of Lithuania against the adopted decision, referred to in paragraph 2 of this Article, within seven days after the adoption of such decision. An appeal must be investigated not later than within 48 hours of receipt thereof. The decision of the Supreme Administrative Court of Lithuania shall become effective from its pronouncement.

Article 24. Liability

Persons who have violated this Law shall be held liable under this Law and other laws.

Article 25. Disputes over violations of this Law

Disputes over violations of this Law shall be resolved in accordance with the procedure laid down by the law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ

ARTICLE 35 OF THE LAW ON ELECTIONS TO MUNICIPAL COUNCILS

Article 35. Election Committee

1. An election committee shall comprise voters of the municipality where the candidates are nominated. The number of voters must be at least twofold the number of councillors to be elected in the municipality. The same voter may be a member of one election committee only. The election committee shall be registered by the Central Electoral Commission. Receipt of documents for registration of an election committee shall start from the moment the date of elections to municipal councils is announced and end 85 days before elections.

2. An election committee shall be established with the aim of participating in a particular election to the council of this municipality and nominate a list of candidates and/or a candidate for councillor and mayor of this municipality by concluding the rules of procedure of the election committee, which are signed by all members of the election committee. Model rules of procedure shall be approved by the Central Electoral Commission. The rules of procedure of the election committee shall include:

1) members of the election committee (name, surname, personal number recorded on the Resident's Register of the Republic of Lithuania, declared place of residence recorded on the Resident's Register of the Republic of Lithuania until the set date, contact details: phone and fax numbers, e-mail address);

2) a representative (coordinator) of the election committee and his powers;

3) the place of residence and contact details of the representative (coordinator) of the election committee: phone and fax numbers, e-mail address;

4) decision-making procedure of the election committee;

5) property and non-pecuniary obligations of the election committee members with respect to their activities in the election committee, their fulfilment procedure and deadlines;

6) the name of the election committee.

3. At the meeting, the election committee shall:

1) adopt and amend the rules of procedure of the election committee, which itself or its amendments come into force after their registration with the Central Electoral Commission;

2) elect and change a representative (coordinator) of the election committee, lay down his areas of activity and powers;

3) take a decision on the nomination of a list of candidates and/or a candidate for municipal councillor and mayor; it may also take a decision on the election programme;

4) take a decision on the termination of the the election committee's activities, if the election committee's activities are terminated by the end of a political campaign; establish the procedure of convocation of a meeting of the election committee.

4. The meeting of the election committee shall be valid if more than two-thirds of the election committee members participate in it. Decisions of the election committee shall be taken by a majority vote of all of the election committee members.

5. The election committee shall have a representative (coordinator) of the election committee elected from the members of the election committee. He shall:

1) implement the decisions taken by the meeting of the election committee;

2) conclude agreements on behalf of the election committee, present reports to the general meeting of the election committee, represent the election committee in state and municipal institutions and agencies;

3) open a bank account to be used as a bank account of the political campaign and conclude a property trust agreement with the political campaign treasurer;

4) fulfil other instructions of the election committee, if they do not conflict with this Law and other laws.

6. The election committee may start its activities from the day of its registration with the Central Electoral Commission. The election committee, adhering to the constitutional imperative to respect and safeguard the constitutional order, public policy, public morality protection, without inciting national, racial, religious, or social hatred, violence and discrimination, shall have the right to choose the name of the election committee which does not mislead voters and adequately inform them about the election committee, and shall specify the name in the rules of procedure of the election committee. If the election committee does not choose the name or the chosen name does not satisfy the laid down requirements, the Central Electoral Commission shall, complying with the set procedure and observing the order of registration time of the election committees at the Central Electoral Commission, assign the election committees a letter/letters without a diacritical mark, which is/are different for each election committee. This letter/letters shall be considered to be the name of the specific election committee and shall be entered on the ballot paper. The decision on the registration of the election committee or the amendment of the rules of procedure of the election committee shall be adopted by the Chairman of the Central Electoral Commission or a member authorized by him not later than within three working days after the receipt of the request and the rules of procedure. If shortcomings of the documents are identified, the committee representative (coordinator) shall be offered to remove them within three days. Refusal to register the election committee or the amendment of its rules of procedure must be motivated. If the

election committee does not agree with the adopted decision, the decision may be appealed against to the Central Electoral Commission within five working days from the date of its adoption. The Central Electoral Commission must examine the complaint within three working days. The decision of the Central Electoral Commission may be appealed against to the Supreme Administrative Court of Lithuania not later than within five working days from its adoption. An appeal must be investigated not later than within 48 hours of receipt thereof. The decision of the Supreme Administrative Court of Lithuania shall become effective from its pronouncement.

7. Activities of the election committee shall end when:

- 1) at the meeting the election committee decides to terminate its activities;
- 2) in accordance with the procedure laid down in this Law, the Central Electoral Commission adopts a decision to revoke registration of the election committee if the committee members remain fewer than the minimum specified in paragraph 1 of this Article; the election committee fails to collect voters' signatures provided for in Article 34(5) of this Law; the interests of the election committee or its nominated candidate seriously violated this Law or the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns; the registration of the election committee is refused or its registration as a participant of the political campaign is revoked;
- 3) the political campaign ends;
- 4) the election committee withdraws the application documents and/or there are no candidates nominated by this committee left.