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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**THE USE OF ADMINISTRATIVE RESOURCES  
DURING ELECTORAL CAMPAIGNS**

**COMPARATIVE TABLE**

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**Table of contents**

Albania.....	3
Algeria .....	3
Andorra.....	3
Armenia .....	3
Austria .....	3
Azerbaijan.....	3
Belgium.....	3
Bosnia and Herzegovina.....	3
Bulgaria.....	4
Canada .....	4
Chile .....	4
Croatia .....	4
Cyprus .....	4
Czech Republic.....	5
Denmark .....	5
Estonia.....	5
Finland.....	5
France .....	5
Georgia.....	5
Germany.....	5
Greece.....	5
Hungary .....	6
Iceland .....	6
Ireland.....	6
Italy.....	6
Korea .....	6
Kyrgyzstan .....	6
Latvia .....	6
Liechtenstein.....	6
Lithuania .....	6
Luxembourg.....	7
Malta .....	7
Morocco .....	7
Mexico .....	7
Moldova .....	7
Monaco.....	8
Montenegro.....	8
Netherlands .....	8
Norway .....	8
Peru .....	8
Poland .....	8
Portugal .....	8
Romania .....	8
Serbia .....	9
Slovakia .....	9
Slovenia.....	9
Spain .....	9
Sweden.....	9
Switzerland .....	9
“the former Yugoslav Republic of Macedonia”.....	9
Turkey.....	10
Ukraine .....	10
United Kingdom .....	10

Country	Electoral code / law	Other legal provisions	Other sources	Provisions on administrative resources	Provisions on mass-media	EOMs reports (OSCE/ODIHR, PACE) *
<b>Albania</b>	No	No	-	<b>Art.3.7-</b> Electoral Code - It is prohibited to provide for the use of electoral subjects any means, funds or different materials that are public property, as well as human resources of the public administration <b>Art.88</b> - Electoral Code - Prohibition of use of public resources in support of elective subjects	<b>Art.132</b> - Electoral Code - equal space for public broadcasting	Parliamentary elections, June, 28, 2009 OSCE/ODIHR, p.2, 14 - allegations of misuse of administrative resource for campaign purposes PACE - Para.38 - misuse of administrative resources by some electoral candidates
<b>Algeria</b>						
<b>Andorra</b>	No	No	-	No provision		-
<b>Armenia</b>	Yes	Yes	-	<b>Art.22.1</b> - Election code - Prohibition of misusing administrative resources during electoral campaign by public authorities	<b>Art.18, 20, 21, 22</b> - Election Code - Space on public broadcasting <b>Art.26</b> - Law on political parties - Equal state assistance to parties	-
<b>Austria</b>	No	No	-	CODICES Constitutional Court 02/12/2000 Two public servants have conserved electoral files and they have modified them		-
<b>Azerbaijan</b>	Yes	Yes	-	<b>Art.55</b> - Election Code - Prohibition of misuse of administrative resources during campaign by public authorities	<b>Art.77.1</b> - Election Code - Equal conditions of using public broadcasting for registered candidates	Presidential election, 15 October, 15, 2008 PACE - Para.30 - abuse of administrative resources
<b>Belgium</b>	Yes	Yes	-	<b>Art.182</b> - Electoral code - Prohibition of promising public jobs <b>Art.187</b> - Electoral code and <b>Art.227</b> - Order on the organisation of local and provincial elections - Prohibition for Publics charity to influence the vote of indigent	<b>Art.5.1</b> - Law on limitation and control of election expenses and the financing and open accounting of political parties [incurred for the elections to the federal] - 3 months before elections political parties and candidates and third parties who wish to make propaganda for political parties or candidates can not broadcast commercials to commercial radio, television and in movie theaters or premium text messages on the Internet	-
<b>Bosnia and Herzegovina</b>	No	No	-	No provision	<b>Art.15.2</b> - Election Law - Space on public broadcasting	General elections, October, 01, 2006 OSCE/ODIHR, p.11 - abuse of administrative resources by some

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						electoral contestants
<b>Bulgaria</b>	No	No	-	No provision	<b>Art.11</b> - Presidential election act - Equal space for public broadcasting	-
<b>Canada</b>	No	No	-	<b>Art.92.2</b> - Electoral Law - Prohibition for candidate to accept gifts		Parliamentary elections, 23 January, 2006 OSCE - Federal funds misused in the referendum campaign in 1995
<b>Chile</b>						
<b>Croatia</b>	Yes	Yes	Yes	CODICES Constitutional Court 23/04/1997 Prohibition for representatives of local authorities to control electoral results in case of suspicion of vote rigging <b>Art.16.3</b> - The Political Activity and Electoral Campaign Financing Act -Prohibition of use funds from the central or local or regional budget, which are otherwise used by candidates as state or local officials in the performance of their duties <b>Art.16.4</b> - Prohibition of use the office premises, official vehicles and office equipment of governmental bodies and local and regional governmental units <b>Art.22.1</b> - Prohibition of financing of political parties, independent deputies, national minority deputies, independent members of the representative bodies of local and regional governmental units, independent slates and candidates by governmental bodies, public enterprises, legal persons vested with public authority etc <b>Art.22.2, 22.3</b> - Prohibition of donations anonymous donations and made through third parties	Political Activity and Electoral Campaign Financing Act 2011 (apply to all elections) <b>Art.12.2</b> - Political parties, independent slates and candidates are obliged to publicly disclose the amount of the price of media advertising <b>Art.12.4</b> - Obligation for companies providing media advertising services for election campaign to deliver their advertising rates to the State Elections Commission <b>Art.36.8</b> - Electronic Media Act - Coverage of all contestants under the equal conditions <b>Art.29 and 30</b> - Election of Representatives to the Croatian Parliament Act and Rules of Procedure for Electronic Media with National Concession in the Republic of Croatia during the Election Campaign - Coverage of all election contestants on an equal basis <b>Art.25</b> - Act on the Election of Municipal Perfects, Mayors, County Perfects and the Mayor of the City of Zagreb and <b>Art 23</b> - Act on Election of Members to Representative Bodies of Units of Local and Regional Self-Government - Coverage of all contestants under the equal conditions <b>Art.14</b> - Act on the Election of the President of the Republic of Croatia - Equal space on public broadcasting for all candidates	Parliamentary elections 2011, OSCE/DIHR, footnote 21 on page 10 - A potential misuse of administrative resources concerning an advertising discount
<b>Cyprus</b>	No	No	-			-

Country	Electoral code / law	Other legal provisions	Other sources	Provisions on administrative resources	Provisions on mass-media	EOMs reports (OSCE/ODIHR, PACE) *
<b>Czech Republic</b>	No	No	-	In 2011 the Constitutional Court rejected the complaint of several political parties against a calculated change of electoral districts in Prague(Decision 52/10 - 29 March 2011). The Court stated that such a calculated change was not necessarily unlawful CODICES Constitutional Court 26/01/2005 Where a public authority defamed a candidate in an election campaign this meant that the election could not be presented as "honest"	<b>Art.16.4</b> - Law on elections to the Parliament and Art.59.4 – Law on the Elections to the European Parliament - Equal space on public broadcasting for registered candidates	-
<b>Denmark</b>	No	No	-			-
<b>Estonia</b>	No	No	-	No provision		-
<b>Finland</b>	No	No	-	<b>Art.185</b> - Electoral Act Breach of official duty		-
<b>France</b>				<b>L52-8</b> - Election Code Prohibition to receive help from foreign state <b>L106</b> - Election Code Prohibition to promise public jobs		
<b>Georgia</b>	Yes	Yes	Yes	<b>Art.48 and Art.49</b> (as of December 27, 2011) - The Organic Law of Georgia Unified Election Code - Prohibition of misuse the administrative resources during the campaign by public authorities CEC - Explanatory note on some of provisions of the administrative resources (building, communications means, transporting means)	<b>Art.50 and 51</b> (as of December 27, 2011) - Election Code - Space on broadcasting	Parliamentary elections, May, 21, 2008 OSCE/ODIHR, p.7 - Opposition alleging one electoral contestant misusing administrative resources  PACE, Point 36 - Misuse of administrative resources by authorities
<b>Germany</b>	No	Yes	Yes	Federal Constitutional Court BVerfGE 44, 125 (March 1976) Office-holders are required to remain neutral in electoral campaigns as long as they act in the exercise of their duties	<b>Art.5</b> - Political Parties Act - Principle of "gradual equality", which inter alia takes into account parties' past electoral performance, with regard to campaign - Related entitlements of parties	Parliamentary election of 27 September 2009, OSCE/ODIHR Election Assessment Mission; no objections regarding the use of administrative resources
<b>Greece</b>	Yes	Yes	Yes	Presidential decree 26/2012 <b>Art. 12-119</b> contain special penal provisions concerning crimes committed in connection with the election of members of the Parliament. These include: a) The use of or the threat of use of violence against a voter and the commission of	<b>Art.45.1</b> - Presidential Decree 26/2012 - Obligation for public and private radio and television stations to broadcast messages of political parties and coalitions <b>Art.45.2</b> - Equal space on public broadcasting for political parties and coalitions	-

Country	Electoral code / law	Other legal provisions	Other sources	Provisions on administrative resources	Provisions on mass-media	EOMs reports (OSCE/ODIHR, PACE) *
				a fraud against a voter, the infringement of the secrecy of voting, bribery towards a voter or from a voter during the pre-election period and until the end of voting, the disturbance of the voting procedure through various means, special electoral crimes of voters, special electoral crimes of public organs and other electoral crimes More detailed provisions on administrative resources may be found in Law 3023/2002	<b>Art. 47.1</b> - Candidates for the Parliament are prohibited from presenting any messages by means of public and private radio and television stations. Broadcasting any kind of shows that are presented, directly or indirectly, by candidate MP's is also prohibited during the pre-election period <b>Art.47.2</b> - Limit to appearance of a candidate MP on radio or television station <b>Art.44</b> - Decree 26/2012 - Equal space on public broadcasting for political parties and coalitions	
<b>Hungary</b>	No	No	-	No provision		-
<b>Iceland</b>	No	No	-	<b>Art.124</b> - Electoral Act Breach of official duty <b>Art.126</b> - Electoral Act prohibition for civil servants to infringe the elections rules		-
<b>Ireland</b>	No	No	-	<b>Art.144</b> - Electoral Act - prohibition for a returning officer to promote a political party		-
<b>Italy</b>	No	No	-	No provision		-
<b>Korea</b>	Yes	N/P	N/P	Public Official Election Act <b>Art.9</b> - Responsibilities of public officials for neutrality in election <b>Art.85</b> - Prohibition for public servants to participate in election campaign <b>Art.86</b> - Prohibition for public servants from acts of having effects on election	Public Official Election Act <b>Art.8</b> - Responsibilities of mass-media for fair election <b>Art.70</b> - Restriction on broadcast advertisement of electoral candidate <b>Art.137</b> - Restriction on mass-media advertisement of party platform and policies	
<b>Kyrgyzstan</b>	Yes	No	-	<b>Art.30.13</b> - Electoral Code - Prohibition of use of administrative resources by public servants	<b>Art.32</b> - Electoral Code - Space on public broadcasting	Presidential elections, July, 23, 2009 OSCE/ODIHR, p.1 - Misuse of administrative resources in support of the incumbent President
<b>Latvia</b>	No	No	-	No provision		-
<b>Liechtenstein</b>	No	No	-			-
<b>Lithuania</b>	No	No	-	<b>Art.54</b> - Law on Elections to the Seimas, <b>Art.47</b> - Law on Presidential Elections, <b>Art.52</b> - Law on Elections to the European Parliament,	<b>Art.51.1</b> - Law on Elections to the Seimas, <b>Art.46.1</b> - Law on Presidential Elections, <b>Art.50.1</b> - Law on Elections to the European	-

Country	Electoral code / law	Other legal provisions	Other sources	Provisions on administrative resources	Provisions on mass-media	EOMs reports (OSCE/ODIHR, PACE) *
				<p><b>Art.51</b> - Law on elections to Municipal Councils - Prohibition to Take Advantage of one's Official Position to Conduct Election Campaign</p> <p><b>Art.51.9</b> - Law on Elections to the Seimas,</p> <p><b>Art.46.8</b> - Law on Presidential Elections,</p> <p><b>Art.50.8</b> - Law on Elections to the European Parliament, <b>Art.48.10</b> - Law on elections to Municipal Councils- Prohibition to install and communicate outdoor political advertising on the buildings occupied by state administration and other stat establishments, inside or outside the vehicles belonging to state or municipal enterprises etc</p>	<p>Parliament, <b>Art.48.1</b> - Law on elections to Municipal Councils - Equal space for public broadcasting free of charge</p> <p><b>Art.46</b> - Law on Elections to the Seimas,</p> <p><b>Art.41</b> - Law on Presidential Elections, <b>Art.45</b> - Law on Elections to the European Parliament, <b>Art.43</b> - Law on elections to Municipal Councils - Equal right to speak at voters' meetings or any other meetings, gatherings, conferences as well as through the state mass media, and to announce their respective election programmes</p>	
<b>Luxembourg</b>	No	No	-	<b>Art.95 and 96</b> - Electoral Law - Prohibition to receive or give gifts		-
<b>Malta</b>	No	No	-	No provision		-
<b>Morocco</b>						
<b>Mexico</b>	Yes	Yes	Yes	<p><b>Art.134</b> - Constitution - Obligation to administer public resources effectively, efficiently, transparently and according to their purpose.</p> <p><b>Art.77.2.b</b> - Electoral Code- Prohibition of administrative entities to finance political parties or candidates</p> <p><b>Art.407.3</b> - Criminal Code -Prohibition and Sanction of Public Officials to use administrative resources to finance political parties and candidates</p>	<p><b>Art.41.3</b> - Constitution- Access of political parties to mass media. Arts 48,49,50,51 - Electoral Code - Access to radio and television and surveillance by Federal Electoral Institute of State - reserved time</p> <p><b>Art.59bis</b> - Federal Law on Radio and Television - Obligation to broadcasters to reserve 48 minutes to the Federal Electoral Institute in the Electoral Process</p> <p><b>Art.64</b> - Obligation of Broadcasters to comply with what is established in the Electoral Code</p>	
<b>Moldova</b>	Yes <sup>1</sup>	Yes	-	<p>Electoral Code</p> <p><b>Art.13</b> - Obligation for persons which hold position of high responsibility to suspend its activity in the position they hold since their registration as candidates</p> <p><b>Art.46</b> - Equal right for electoral contestants in the use of mass media and equal opportunities for technical, material and financial support of the electoral campaign</p> <p><b>Art.47</b> - Prohibition to use administrative</p>	<p><b>Art.64</b> - Electoral Code - Equal and non-discriminatory access to mass media Broadcasting Code</p> <p><b>Art.7</b> - Broadcasting Code - Obligation of broadcasters to reflect electoral campaigns in truthful, balanced and impartial manner</p>	<p>Early Parliamentary Elections, July, 29, 2009</p> <p>OSCE/ODIHR p.9, 14 and PACE - Point 46 - Misuse of administrative resources</p>

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				resources and equal access to public goods or services		
<b>Monaco</b>	No	No	-	<b>Art.61</b> - Electoral Law - Prohibition to use billboards for thanking voters <b>Art.69</b> - Electoral Law - Prohibition to promise public jobs		-
<b>Montenegro</b>	No	Yes	-	<b>Art.22</b> - Law on election of the president - prohibition of the candidate for President to use administrative resources during the electoral campaign <b>Art.40</b> - Law on election of the Mayor - penal provision incriminating individuals to provide illegal access of administrative resources to electoral contestants		-
<b>Netherlands</b>	No	No	-	No provision		-
<b>Norway</b>	No	No	-			-
<b>Peru</b>						
<b>Poland</b>	No	No	-		<b>Art.83.a</b> - Law on election of the President - Equal space for public broadcasting	
<b>Portugal</b>	Yes	No	-	<b>Art.57</b> - Electoral Act of Parliament - Prohibition on intervention bodies was the autirotos local public services directly or indirectly to a campaign	<b>Art.153</b> - Electoral Law - Prohibition of misuse of public function for campaigning purposes	
<b>Romania</b>	No	No	-	No provision	<b>Art.16</b> - Law on the election of the President - space on public broadcasting	
<b>Russian Federation</b>	No	No	-	<b>Art.46</b> - Law on Elections of Deputies of the State Duma of the Russian Federation - a ban on the use of the benefits office or official position during the election campaign	<b>Art.51, 53</b> - Law on election of the President - Equal space for public broadcasting	Presidential elections, March, 14, 2004 OSCE/ODIHR, p.10 - Credible allegations of misuse of administrative resources OSCE/ODIHR, p.15 - Impartiality of public broadcasters Presidential election, March, 2, 2008 PACE, Point 17 - Wide scale abuse of administrative resources for an electoral contestant



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San Marino						
Serbia	No	No	-	No provision		-
Slovakia	No	No	-	No provision	<b>Art.15</b> - Presidential Election Code - Equal access to mass-media <b>Section 24.13</b> - Act on Election to the National Council - Equality on broadcasting of political advertisements and placing of election posters	-
Slovenia	No	No	-	No provision		-
Spain	Yes	Yes	-	Organic General Electoral Law <b>Art.52 and 144.2</b> - Prohibition for members of the Armed Forces, Police (of the State, Autonomous Communities or Municipalities) judges, prosecutors and members of the election commissions to participate at electoral campaign <b>Art.135-153</b> - Offences committed by public servants during election campaign, such as misconduct in public office and falsehood. <b>Art.128.1</b> - Ban on public funds other than the election subsidies established in the Law <b>Art.35</b> - Electoral Law: Definition public servants and public acts which are affected by prohibitions in the electoral law <b>Art.139</b> - Electoral Law: Infractions committed by public servants during electoral campaign <b>Art.140</b> - Electoral Law: public servants misusing about their position to influence electoral campaign <b>Art 153.1</b> - Electoral Law fine for public servants		-
Sweden	No	No	-			-
Switzerland	No	No	-	No provision		-
“the former Yugoslav Republic of	Yes	Yes	Yes	<b>Art.78.1,2</b> - Electoral Code - Election posters could be placed on an equal basis, free of charge at the space designed by the	<b>Art.75</b> - Election Code - Equal space on public broadcasting <b>Art.6</b> - Rulebook for equal Access to the	OSCE/ODIHR, Presidential and municipal elections, March, 22, and April, 05, 2009, p.13 - Claims made

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Macedonia				<p>municipalities and the town of Skopje. The municipalities and Skopje are obligated to mark the authorised place for each submitter of candidate list</p> <p><b>Art.82</b> - Pre-election public meetings cannot be held in military buildings, religious objects, hospitals, institutions for elderly persons, kinder-gardens and other public institutions. It can be held, if there is no other object, but only upon permission of the authorised organ of the institution and only under equal treatment of all organisers of election campaign</p> <p><b>Art.82.4</b> - Prohibition to use the rooms, equipment or other kind of state or local means. Space of mentioned objects could be used if there is no other adequate space, but only under same conditions for all campaign organisers</p> <p><b>Art.83.1</b> - Election campaign could not be financed by budget resources, with exception of those determined by Article 86.2, which guarantee compensation of election costs from the budget at last for three months after receiving the financial reports on party election spending, based on State Election Commission Report</p>	<p>Media Presentation during the Election Campaign- Broadcasters shall cover elections in a fair, balanced, and impartial manner. They must also provide equitable access. The coverage of electoral contestants is proportional to the number of electoral districts in which the contestant is running</p>	<p>by parties on misuse of resources by the Government; p.12, report of Min. of Interior on misuse of official position and authority</p> <p>OSCE/ODIHR Final Report on Early Parliamentary Elections from 5 June 2011 stated misuse of state resources for campaign purposes, which detracted from the overall quality of the election process(Pag.2). It also says that " requirements that municipalities designate free space for placement of posters on an equal basis were inconsistently applied". Further, it is said that: " there were instances when the Minister of Internal Affairs , who was also a leading VMRO-DPMNE candidate, used the authority of her office for campaign purposes. The results of OSCE/ODIHR EOM media monitoring showed that MTV -1 coverage of the campaign favoured the governing parties, p.14</p>
Turkey	Yes	No	-	<p><b>Art.63, 64, 65</b> - Law on Basic Provisions on Elections and Voter Registers - prohibition of misuse of administrative resources during the electoral campaign by public authorities</p>		-
Ukraine	No	Yes	-	<p><b>Art.61.4</b> and <b>Art.74.1, 21</b> - Law of Ukraine on elections of people's deputies of Ukraine - Prohibition of misuse of administrative resources during campaign by public authorities</p>	<p><b>Art.71</b> - Law of Ukraine on elections of people's deputies of Ukraine -equal access to mass-media</p>	<p>OSCE/ODIHR, PACE - Presidential Election, 17 January and 7 February 2010, p.2, 14 - Reported misuse of administrative resources by some candidates</p>
United Kingdom	No	No	-	<p><b>Art.63</b> of Keeling Schedule for the Representation of the People Act 1983 as amended by the Electoral Administration Act 2006 Breach of official duty</p> <p><b>Art.101</b> of Keeling Schedule for the Representation of the People</p>		-

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				Act 1983 as amended by the Electoral Administration Act 2006 no hiring of public vehicles to convey voters		

\* Reports on the latest Election Observation Missions conducted by OSCE/ODIHR and PACE, as of July, 02, 2010