

Act
of the National Council of the Slovak Republic
of 18 August 1994

on limitation of expenditures of the political parties on advertising before elections to the National Council of the Slovak Republic

The National Council of the Slovak Republic has adopted the following Act:

Article 1

Purpose of the Act

The purpose of the present Act is to set an admissible amount of certain expenditures of political parties and movements¹⁾ (hereinafter referred to as „political parties“) spent on advertising during the period before elections to the National Council of the Slovak Republic.

Article 2

For the purposes of this Act:

- 1) „Advertising before elections to the National Council of the Slovak Republic“ shall mean any public announcement designed to support or serve for the benefit of a political party, which shall be, or should be rewarded;
- 2) as „expenditures of the political parties“ shall be regarded the sum of all financial or other means rateable in money spent by the political parties to cover fees of advertising or advertisements in periodicals²⁾, to cover commercials, or to sponsor programmes on radio and television broadcasting³⁾, and to cover the price of advertisements placed in public areas, regardless of the fact, whether the liability to pay lies with the political parties or third parties. This shall not apply to the advertising within their own or hired display cases located in public areas, which are used by the political parties for their general announcements.
- 3) as „the period before elections to the National Council of the Slovak Republic“ shall be regarded the period as from the day of promulgation of elections⁴⁾ until the election day, however, not exceeding five months before the elections are held.

Article 3

Admissible amount of expenditures

Political parties may spend on their advertising, referred to in the provisions hereinbefore, a total sum not exceeding 12 mil. SKK including VAT⁵⁾. This sum comprises the amounts, which have been or should be settled by the political party, including the amounts that the third parties paid or undertook to pay for the political party. If an advertisement, commercial or sponsored programme were published or broadcasted free of charge or at a reduced price, their usual price shall be calculated into the above mentioned sum.

Article 4

Liability to notify

- (1) The publishers of periodicals²⁾, operators of radio and television broadcasting⁶⁾, and operators of advertisements placed in public areas⁷⁾ shall be obliged to notify in writing the Ministry of Finance of the Slovak Republic and the Secretariat of the Slovak Election Commission⁸⁾ of the amount of resources spent by individual political parties on advertising pursuant to this Act (Articles 2 and 3), which was published or broadcasted by them.
- (2) A notification according to the preceding paragraph shall be submitted by legal persons and natural persons not later than 30 days after the date of holding elections to the National Council of the Slovak Republic, specifying also the amounts that correspond to the usual price of commercials, advertising and sponsored programmes, which were published or broadcasted by them for the benefit of political parties free of charge or at a reduced price.
- (3) The legal persons and natural persons referred to in paragraph 1 shall keep a special record of the facts that they are liable to notify.
- (4) The day of publishing a advertising material through information media shall be decisive for counting in the expenditures.

Article 5

Sanctions

(1) If, on the basis of the notifications delivered (Article 4), the Ministry of Finance of the Slovak Republic ascertains that a political party has exceeded the maximum admissible sum of expenditures referred to in Article 3 by more than 5%, it shall, within two months since the delivery of notifications pursuant to Article 4 paragraphs 1 and 2, issue a decision by which such political party shall have shortened its entitlement to reimbursement of election expenses⁹⁾ equal to the amount by which the expenditures had been exceeded. If the excess of expenditures is more than entitlement to reimbursement of election expenses, the decision shall proportionally reduce the amount of the next allowance payable to such political party from the state budget pursuant to a special regulation¹⁰⁾.

(2) The competent Tax Authority may impose a fine amounting to maximum 1,000,000 SKK to a legal person or a natural person that

fails to comply with obligations according to article 4. The competence of Tax Authorities and the procedure of imposition of fines shall be appropriately governed by special regulations on tax and fees administration¹¹).

(3) An appeal by the political party against the decision referred to in paragraph 1 shall have no suspensive effect.

Common, transitional and final provisions

Article 6

This Act shall not apply to the rights and obligations of political parties within election campaign, which are regulated by a special law¹²

Article 7

In 1994 the expenditures of political parties, which originated before entry into force of the present Act, shall not be taken into account. This shall not apply if such expenditures are related to advertising published after the day of entry into force of this Act.

Article 8

Political parties, which formed an election coalition, may jointly spend on advertising, referred to in the provisions hereinbefore, the sum according to article 3.

Article 9

This Act shall enter into force on the day of its promulgation.

Michal Kováč, m. p.

Ivan Gašparovič, m. p.

Jozef Moravčík, m. p.

1) Act No 424/1991 Coll. on assembly in political parties and political movements, in wording of later regulations.

2) Article 3 paragraph 1 of the Act No 81/1966 Coll. on periodic press and other mass media, in wording of later regulations.

3) Article 2 paragraph 1 subparagraphs e) and f) of the Act No 468/1991 Coll. on the operation of radio and television broadcasting, in wording of later regulations.

4) Article 89 paragraph 2 (f) of the Constitution of the Slovak Republic and Article 24 paragraph 1 of the Act of the Slovak Republic No 80/1990 Coll. on elections to the Slovak National Council, in wording of later regulations.

5) Act No 222/1992 Coll. on value-added tax, in wording of later regulations.

2) Article 3 paragraph 1 of the Act No 81/1966 Coll. on periodic press and other mass media, in wording of later regulations.

6) Articles 2 and 3 of the Act No 468/1991 Coll., in wording of later regulations.

7) Article 10(a) paragraphs 1 and 3 of the Act of the Slovak National Council No 544/1990 Coll. on local fees as amended by the Act of the Slovak National Council No 72/1992 Coll.

8) Article 13 paragraph 4 of the Act of the Slovak National Council No 80/1990 Coll., in wording of later regulations.

9) Article 53 paragraph 3 of the Act of the Slovak National Council No 80/1990 Coll., in wording of later regulations.

10) Act of the Slovak National Council No 190/1990 Coll. on allowance to the political parties and political movements from the state budget of the Slovak Republic in wording of the Act of the National Council of the Slovak Republic No 86/1993 Coll.

11) Act of the National Council of the Slovak Republic No 511/1992 Coll. on tax and fees administration, and on amendments in the system of territorial revenue authorities, in wording of later regulations.

12) Article 23 of the Act of the Slovak National Council No 80/1990 Coll., in wording of later regulations.