

Equality of pre-election agitation as important condition of democratic character of electoral process in Ukraine

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Abstract – The article analyzes such aspect of democratic elections as equality in realization of pre-election agitation. The evolution of the legal adjusting of equality of pre-election agitation in the electoral legislation of Ukraine is shown.

Key words – elections, democracy, pre-election agitation, equality of pre-election agitation, candidates.

I. Introduction

In the epoch of distribution of democratic values the important role plays such aspect of democratic elections as creation of equal conditions for the conducting of pre-election agitation. As agitation is one of the major stages of electoral campaign, exactly equality of possibilities for influence on political predilections of voters by means of agitation in a great deal can provide victory in the elections and testifies the level of democratic character of electoral procedures. In this context, the legislative fixing of conditions of observance of equality of pre-election agitation is important.

II. Adjusting of pre-election agitation in the legislation of Ukraine

In the Law "Of elections of people's deputies of Ukrainian SSR" from October, 27 in 1989 there was only a general provision about equality of pre-election agitation for the subjects of electoral process: "Candidates for people's deputies of Ukrainian SSR since their registration have an equal right to come forward on pre-election and other sittings, conferences, meeting election committees, in printing, on television and radio. Material and technical means of agitation in an electoral district must be equal for all candidates for deputies" [1].

During the presidential elections in 1991 a legislature have already more detailed regulated the observance of equality during realization of pre-election agitation. In particular, it presupposed making the election posters for every candidate on one electoral district in amount copies, which on 8 thousands exceeded the amount of polling places in this electoral district [6].

Moreover, the law consisted rules of the use of state mass media in agitation: grant to the candidates gratuitously equivalent and identical on a volume time of broadcasting both at national level and within the limits of electoral district. A legislature also paid attention a printed mass media the founders of that are the state bodies of power: for them candidates had a right

gratuitously to place text of the election programme. But very insignificant attention in the law was paid to non-state mass media. A legislature marked only, that agitation in such mass media must be realized on equal payments for all candidates [6]. During parliamentary and presidential elections in 1994 principle of equality of subjects of electoral process in relation to realization of pre-election agitation remained unchangeable [3; 8].

According to the electoral law from September, 24 in 1997 the size of election posters increased. A placard did not have to contain untruthful information or commercial advertisement. Also a legislature obliged election committees to publish the list of all state mass media that can be used for agitating for money of the state budget. Besides, the curriculum of broadcasting time was subjected to a publication with pointing of pre-election agitation programs on radio and TV and concrete date and time of putting them on air. A legislature forbade coincidence of such programs on national and local channels [4]. Regardless to the certain working out in detail comparatively with a previous electoral legislation, law that regulated realization of parliamentary elections in 1998, however in a great deal remained declarative. Furthermore, small attention was paid to the realization of agitation in non-state mass media.

On presidential elections in 1999 a legislature carried out an attempt to provide equal conditions for the conduct of pre-election agitation not only in MASS MEDIA but also during realization of mass measures. Local authorities, enterprise and organization state, communal, and also mixed property were obligated gratuitously to give a apartment for realization of mass agitation measures in certain an election committee time. Thus equal possibilities had to be provided for all subjects of electoral process [5]. However a normative act not lost his declarative character, as it was not presupposed clear mechanisms of achievement of equal terms for realization of pre-election agitation by candidates.

In 2002 the further working out in detail of procedure of realization of pre-election agitation took place. A legislature presupposed the free making of informative placards of subjects of electoral process. Also a legislature set clear requirements according to their manner and matter. Also, legislation in 2002 presupposed the conduct of agitation in printed and electronic mass media due to the State budget. The subjects of electoral process had a right to publish the election programmes of identical size in printed mass media [2].

The conduct of agitation was more detailed regulated due to money of the state budget in electronic mass media. A legislature declared realization of pre-election agitation on parliamentary elections in 2002 due to the personal funds of subjects of electoral process on the conditions of even payment for unit of ether or printed area. For this purpose legislation contained a requirement to mass media to set not later than 80 days before elections the price for unit of ether and printed area. Such prices did not have to exceed the size of paying for a commercial advertisement and could not change during an electoral process [2].

Further development of the legal adjusting of equal conditions for the subjects of electoral process to conduct pre-election agitation was observed during presidential elections in 2004. For realization of agitation in electronic mass media due to money of the State budget to the candidate such time resources were given: not less than 30 minutes on the national TV channel and 45 minutes - on a national radio channel, for 30 minutes on the regional TV channels and for 20 minutes - on non-regional radio channels in each of regions of Ukraine [7].

Realization of pre-election agitation due to the personal funds of subjects of electoral process in mass media of all patterns of ownership also it took place on the basis of equal payment for unit of the printed area and broadcasting time. For this purpose the mass media set corresponding prices that could not exceed the corresponding middle index of cost for the last quarter of year that was preceded to the year of realization of elections. Such index was determined by CEC together with National Council of Ukraine on questions television and broadcast and State committee of television and broadcast [7].

Positive maintenance in relation to realization of agitation due to money of electoral fund of candidate two law provisions had: price of cost of broadcasting time and printed area unit could not change during an electoral process; the mass media could not give a discount on payment to the separate candidate or political party (block), which pulled him out [7]. Such norms substantially diminished possibility of abuses and creation of unequal opportunities for the subjects of electoral process in the conduct of electoral campaign.

A sufficiently important factor that assisted creation of equal conditions in the conduct of pre-election agitation was a norm according to that there are mass media, which gave the printed area or broadcasting time to one of candidates for the conduct of agitation, could not refuse other from them. Thus mass media must do it on the analogical conditions of payment and quality. The same thing also touched the grant of apartments for pre-election public measures or pre-election agitation. An exception was done for mass media or apartments that were the property of permanent use of political parties (blocks) - subjects of electoral process [7].

An interesting detail should be emphasized: in spite of the fact that on presidential elections in 2004 an electoral legislation more detailed in all comparatively with previous releases regulated providing of equality of candidates in realization of pre-election agitation, electoral practices showed that exactly principle of equality of subjects of electoral process was one of the most violated during an electoral campaign. It is said that even a perfect electoral legislation is ineffective without the presence of political will in relation to his inhibition.

At the parliamentary elections in 2006 a situation with creation of equal terms for a candidate didates and political parties (blocks) of pre-election agitation remained unchangeable. An exception was made by some increase of amount of broadcasting time on national TV and radio channels, which were given to the subjects of electoral process due to money of the state budget [9]. Unchangeable in this sense remained a current presidential and parliamentary electoral legislation.

Conclusion

As can be seen, after proclamation of independence of Ukraine an electoral legislation was characterized by gradual perfection of the legal adjusting of equality of pre-election agitation. However, though now this aspect of democratic elections is mainly well-regulated, domestic electoral practice is often characterized by violation of equality of conduct of agitation campaign.

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