1. COMPILATION OF PROVISIONS

REGULATING THE ELECTION CAMPAIGN

Compilation of Provisions Regulating the Election Campaign

Art. 1

(Art. 1, Law 36/1997)

(Timeframe of the election campaign)

1. The election campaign shall start on the twentieth day preceding the election day and shall end at 12:00 a.m. on the second day preceding the election day.
2. Before and after the time limits referred to in paragraph 1 all forms of election campaign shall be forbidden, irrespective of the means of campaigning.

Art. 2 (Art. 2, Law 36/1997)

(Election Campaign)

1. From the starting day of the election campaign referred to in Art. 1, posting of printed material, wall newspapers or other items, illustrations or images conveying ideas, posters representing any form of electoral campaigning shall be allowed only within the designated areas in the territory of each Township and in accordance with the provisions of this regulation.

Art. 3

(Art. 3, Law 36/1997, as amended by Art. 21, Qualified Law 1/2007,

and by Art. 8, Qualified Law 1/2008)

(Areas for election postings and timeframe for their identification)

1. By the thirtieth day preceding election day, the Electoral Commission referred to in Law 6, 31 January 1996, Art. 6, shall identify the areas for posting the material referred to in Art. 2, on boards of equal size, according to the following indications, where possible:

CASTELLO DI SAN MARINO - CITTÀ

Città: n.5; Castellaro: n.1; Casole: n.1; Canepa: n.1; Cà Berlone: n.1; Santa Mustiola: n.1; Montalbo: n.1; Murata: n.1.

CASTELLO DI BORGO MAGGIORE

Borgo Maggiore: n.2; Valdragone (di sopra): n.1; Valdragone (di sotto): n.1; Cà Melone: n.1; Cailungo (di sopra): n.1; Cailungo (di sotto): n.1; Ventoso: n.1; San Giovanni: n.1; Cà Rigo: n.1.

CASTELLO DI SERRAVALLE

Serravalle: n.2; Dogana: n.2; Falciano: n.1; Cinque Vie: n.1; Ponte Mellini: n.1; Cà Ragni:n.1; Lesignano: n.1; Le Tane: n.1.

CASTELLO DI DOMAGNANO

Domagnano: n.1; Piandavello: n.1; Cà Giannino: n.1; La Fiorina: n.1; Torraccia: n.1; Spaccio Giannoni: n.1.

CASTELLO DI FIORENTINO

Fiorentino: n.1; Crociale di Fiorentino: n.1; Capanne: n.1; Pianacci: n.1.

CASTELLO DI FAETANO

Faetano: n.1; Monte Pulito: n.1; Corianino: n.1; Calligaria: n.1; Cà Chiavello: n.1.

CASTELLO DI MONTEGIARDINO

Montegiardino: n.1; Cerbaiola: n.1.

CASTELLO DI CHIESANUOVA

Chiesanuova: n.1; Caladino: n.1; Poggio Casalino: n.1; Galavotto: n.1; Teglio: n.1; Poggio Chiesanuova: n.1; Confine: n.1; Molarini: n.1.

CASTELLO DI ACQUAVIVA

Acquaviva: n.1; Gualdicciolo: n.1; La Serra: n.1.

1. If it is not possible to designate a single area to install the board, two or more areas, as close as possible, may be used to this end. For the purposes of this article, these areas shall constitute a single unit.

Art. 4

(Art. 4, Law 36/1997, as amended by Art. 14, Qualified Law 1/2008)

(Allocation of areas for electoral posting)

1. Following the validation of candidate lists according to Art. 16 of the electoral law and, in any event, not later than the thirtieth day preceding election day, the Electoral Commission shall delimit the areas referred to in Art. 3. Each validated list shall have the right to a space of equal dimension, the size of which shall be determined by the Electoral Commission.
2. By the deadline referred to in paragraph 1, the Electoral Commission shall allocate the areas following the numbering of admitted lists, on one single horizontal line, starting from the left side to the right.
3. The allocation referred to in paragraph 2 shall be notified to the delegates referred to in Art. 14, paragraph 4, of the electoral law within 24 hours.
4. Each list shall provide for its own postings.

Art. 5

(Art. 5, Law 36/1997)

(Possible use of areas by entities different from the designated lists)

1. The use of areas allocated to validated lists is also available to individual candidates of the designated list, as well as other parties, political groups, associations and individual voters, who have freely expressed their will to do so and have been authorised by the delegates referred to in Art. 14, paragraph 4 of the electoral law.
2. The authorisation referred to in paragraph 1 shall be issued in writing by the delegate or alternate delegate of the designated list; it shall contain precise and comprehensive information on the interested candidate, party, political group, association, individual voter, and it shall be submitted in two copies to the State Electoral Office at least 24 hours prior to the posting. The State Electoral Office shall return one endorsed copy of the approved authorisation as receipt.
3. Exchanges of areas allocated by the Election Commission according to Art. 4, paragraph 2 shall be forbidden.

Art. 6

(Art. 6, Law 36/1997)

(Prohibitions)

1. The display of printed material, wall newspapers or other items, illustrations or images and posters representing any form of electoral campaigning, or reproducing the symbol adopted by a list, or which could influence the voter’s choice shall be forbidden in any area different from the ones referred to in Art. 4.
2. The prohibition referred to in the previous paragraph shall also apply to any private space visible to the public from the outside (windows, shop windows, etc.), air balloons anchored to the ground, vehicles and any equipment, except for the material necessary for campaigning, outdoor rallies and meetings referred to in Art. 8. Campaigning through banners or drapes and through light signs, as well as the distribution of fliers, shall also be prohibited.
3. Usual and permanent signs used by parties, movements and political associations to indicate their headquarters shall not be prohibited.

Art. 7

(Art. 7, Law 36/1997, replaced by Art. 22, Qualified Law 1/2007,

and amended by Art. 9, Qualified Law 1/2008)

(Provisions to increase citizens’ access to information on lists and coalitions)

1. The Ministry of Internal Affairs and the Ministry of Information shall ensure comprehensive and impartial information to citizens in order to guarantee the broadest possible information on programmes and candidates, under conditions of equality among lists and coalitions. In particular, they shall:
2. Guarantee the broadcasting of radio and televised programmes, including debates among lists and coalitions of lists, according to procedures to be agreed with the delegates referred to in Art. 14 of the electoral law and the Supervisory Committee referred to in Law 41, 27 April 1989;
3. Produce and disseminate to all families, irrespective from their residency, a publication containing the programme and the candidates of the lists and coalitions, where the programmes and lists of coalitions come first than those of lists that are not part of a coalition; within this subdivision, the order of the lists shall be the same as on the ballot paper;
4. Create a website for each election round, where all lists and coalitions participating in the elections autonomously upload campaign material on an equal basis. They shall also guarantee adequate information on such website, particularly for voters residing abroad. The civil and criminal liability for the content of webpages allocated to each list and coalition shall exclusively fall on their legal representatives, and not on public officials administering the website;
5. Organise meetings and debates open to the public in the Townships of the Republic among all lists and coalitions and, in case of a second round of voting, among the lists and/or coalitions participating in the second round.
6. Organise, for the first round of voting, meetings among lists and coalitions of lists in the main consulates, financed by the State, according to the provisions set forth in a delegated decree to be issued upon proposal of the Election Commission.[[1]](#footnote-1)

Art. 8

(Art. 8, Law 36/1997)

(Outdoor rallies and meetings)

1. Outdoor rallies and meetings can take place, for the duration of the election campaign as per Art. 1, paragraph 1, every day from 4:00 p.m. to 12:00 a.m.
2. Any outdoor rally and meeting shall be notified to the Gendarmerie Headquarters by the delegate or alternate delegate of the list concerned, at least 24 hours in advance, by also indicating the time and place of the outdoor rally and meeting. The lack of advance notification may entail the prohibition of the event.
3. The use of loudspeakers and audio or semi-mobile equipment for the dissemination of news and messages shall be allowed, for the duration of the election campaign, every day from 3:00 p.m. to 10:00 p.m.

Art. 9

(Art. 9, Law 36/1997)

(Prohibition of campaigning on election day - Sanctions)

1. The installation of fixed and mobile equipment of parties, political groups and associations, the use of identification bracelets, cockades and badges, and the use of any object that may refer to a political choice shall be prohibited outside and in the immediate vicinity of polling stations, on election day and during opening hours.
2. Candidates of lists participating in the elections shall be prohibited from remaining inside and in the immediate vicinity of polling stations, during voting hours and for longer than strictly necessary to vote. The purpose is to avoid any act or suspect act aimed at campaigning, influencing or exercising pressure on those waiting to vote.
3. Violations of provisions of this article shall be punished with first-degree imprisonment under Art. 81 of the Criminal Code, or with the pecuniary sanction under Art. 84 of the Criminal Code.

Art. 10

(Art. 10, Law 36/1997)

(Theft or destruction of campaign material.

Violation of electoral campaign timeframe. Sanctions)

1. Fist-degree imprisonment under Art. 81 of the Criminal Code, or the pecuniary sanction under Art. 84 of the Criminal Code, shall be inflicted on anyone who steals or destroys campaign material allowed and disciplined by this regulation, prevents others from posting or disseminating it, makes the material posted in the areas devoted to electoral campaign illegible and, without having the right to do so, posts or mandates others to post campaign material both in dedicated areas or elsewhere.
2. The previous paragraph shall also apply to anyone using the areas allocated for the material allowed and disciplined by this regulation.
3. Anyone conducting any campaigning activity before the start and after the end of the electoral campaign, and anyone who, by any means, obstructs or impedes public and private electoral campaign meetings, shall be subject to the sanctions under Art. 398 of the Criminal Code.

Art. 11 (Art. 11, Law 36/1997)

(Prosecution)

The offences provided for in this regulation shall be prosecuted *ex officio*.

1. The organisation of the meetings in the main consulates is disciplined by Delegated Decree no. 127/2008. [↑](#footnote-ref-1)