



THE FOUNDATION FOR DEMOCRATIC ADVANCEMENT

France Electoral Fairness Research

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Background on French Political History

One could say that it was the French Revolution, and the cultural shock that came with it, that brought France into the modern political period. Since then, France has regularly enjoyed a form of government in which representatives are elected by the people. Granted, the way in which these representatives were elected and the powers that they held have been variable.

The first iteration of the National Assembly, which came together in the shadow of the Revolution was intended to be a representative body of the people that would counterbalance the power of the King. Still, the late 18th Century was a turbulent time in French politics, with numerous constitutional reforms and changes to legislative and executive power. This all came to a head in late 1799 when Napoleon Bonaparte came to power. The 30 years of Napoleon's rule, and Louis XVIII who followed him, was a time of a divided and ineffective legislative, and a powerful executive (naturally, with Napoleon and eventually Louis at the helm). The July Revolution in 1830 saw a return to previous ideals.

In the few hundred years since the Revolution, France has gone through five constitutional iterations. The most recent is termed the Fifth Republic, which was put in place in 1958. At this point in history, France's political system is identified as a semi-presidential republic, as such it has a mix of presidential and parliamentary systems. On the one hand is the President who is elected directly and takes on the role of the head of state; playing a large role in national and foreign policy, as well as being a representative of the French people. On the other is the Prime Minister, who takes on the role of the head of government.

France's parliament is made up of two bodies: the National Assembly (NA), and the Senate. Both of these bodies deal with the examination and passing of laws, but the NA has primacy. The representatives of the NA are voted in directly, while the members of the Senate are voted in indirectly by an electoral college composed of regional, department, and city councillors; mayors; and members of the NA.

Sources:

http://www.assemblee-nationale.fr/english/synthetic_files/file-01.asp

<http://www.assemblee-nationale.fr/english/8am.asp>

1. Laws and regulations that pertain to the political content of the media and broadcasters before, during, and after an election

Main Research Findings:

Public TV and radio are required legally to be independent and impartial, and provide equality of treatment.

Private media and broadcasters are required legally to provide electoral and general information to the public within a pluralistic framework. To ensure plurality, the state applies the following regulations in which media authorization will be denied if more than two of the situations occur:

- 1° Be a holder of one or more authorisations for television services broadcast by terrestrial radio link that allows servicing of areas whose recorded population stands at four million people;
- 2° Be a holder of one or more authorisation for radio broadcasting services that allows servicing of areas whose recorded population stands at thirty million people;
- 3° Be a holder of one or more authorisations for the operation of networks that distribute radio and television broadcasting services by cable that allow servicing of areas whose recorded population stands at six million people;
- 4° Produce or control one or more daily printed publications of political and general information representing more than 20% of the total circulation on the national territory of printed daily publications of the same kind, considered over the last twelve months known prior to the date on which the application for authorisation was submitted.

However, an authorisation may be issued to a person who does not satisfy the provisions of this Article, provided that such person conforms with said provisions within a time limit set by the Conseil supérieur de l'audiovisuel and which may not exceed six months.

Also, private media and broadcasters are required legally to provide integral information and be independent especially under public contract.

The Higher Audiovisual Council regulates the chairmen of the National Assembly and the Senate and the leaders of the Various Political Parties Represented in Parliament with a record of the speaking time of the politicians in news programmes, information bulletins, current affairs programmes and other programmes broadcasted.

The state prohibits broadcast advertising programs of a political nature.

The state regulates the public dissemination of surveys/polls: data correction techniques and methods for data recovery, survey/poll background information must be published; no public gratuity for survey information; polls reviewed by the Commission survey prior to public release.

Private TV and radio has a legal duty to inform the public about electoral information, and also provide special broadcast times to political candidates with equal treatment—same amount of broadcast times during electoral periods. CSA monitors closely the principle of equal treatment.

Private print media has freedom of expression within context of individual rights and democracy. The state encourages diversity opinions and pluralism. To attain diversity and plurality, the state controls media concentration: no one media group can own more than 30% of the daily national newspaper

circulation.

French citizens have legal protection against defamation and slander.

French citizens have the legal right to respond against print media. Right to respond is limited to slander and defamation based on ethnicity, nationality, race, and religion.

Research Excerpts:

Freedom of Communication Act:

Article 1

(Act No. 86-1067 of 30 September 1986, Official Journal of 1 October 1986) (Act No. 86-1067 of 30 September 1986, Official Journal of 1 October 1986)

(Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989) (Act No. 89-25 of 17 January 1989 Article 1 Official Journal of 18 January 1989)

(Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000) (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

Audio-visual communication is free. Audio-visual communication is free.

The exercise of this freedom may be limited only, to the extent required, on the one hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audio-visual production industry.

The Conseil supérieur de l'audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. The High Audiovisual Council, an independent Authority, guarantees the exercise this freedom in Accordance with the terms Provided for in this Act.

It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. Sees it to the promotion of the free competition and the creation of non-DISCRIMINATORY relations Between Producers and service distributors; Sees it to the quality and diversity of programs, the development of the national audio-visual production and creation as well as to the defense and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes. May it put forward Proposal to Improve the quality of programs.

It may send to the producers and distributors of audio-visual communication services recommendations relating to compliance with the principles set forth in this Act. May it send to The Producers and distributors of audio-visual communication services Recommendations Relating to compliance with the Principles set forth in this Act. Said recommendations shall be published in the Official Journal of the French Republic.

Article 2 Article 2

Telecommunication is understood as any transmission, emission or reception of signs, signals, documents, pictures, sound or information of any kind by wire, optics, radio electric or other

electromagnetic systems.

Audio-visual communication is understood as any act of putting at the disposal of the public or parts of the public, by means of a telecommunication process, signs, signals, writing, pictures, sound or any kind of messages which do not have the nature of private correspondence.

Article 16

(Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989) (Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989)

The Higher Audiovisual Council Shall set the rules Regarding the requirements applicable to the production, programming or broadcasting of programs Relating to the Election campaign That national program companies are bound to Produce and program the company and That Provided for in Article 51 of this Act IS bound to broadcast. Provisions set forth in the terms of reference cover the services provided in this respect.

The council shall send recommendations for the duration of election campaigns to the operators of audio-visual communication services authorised pursuant to this Act. The council Shall send recommendations for the duration of the Election campaign to operators of audio-visual communication services Authorised pursuer to this Act.

Article 19

(Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989) (Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989)
(Act No. 2000-719 of 1 August 2000, Article 30, Official Journal of 2 August 2000) (Act No. 2000-719 of 1 August 2000, Article 30, Official Journal of 2 August 2000)

To carry out the assignments Entrusted to it pursuant to this Act, the Higher Audiovisual Council may:

1 Gather, Without Any Additional limitations Other than Those That ensue from the freedom to exercise the activity of the Political Parties and groups Referred to in Article 4 of the Constitution:

- from administrative authorities, all information needed to prepare its opinions and decisions ;
- from authorities or producers and distributors of audio-visual communication services, all information needed to check the latter's compliance with their obligations ; -
- from any physical or legal person that directly or indirectly owns a share equal or superior to 10% of the capital or voting rights at the general meetings of a company that produces or distributes a radio or television broadcasting service whose programmes contribute to providing political and general information, all information on procurement contracts and public service concessions which said individual or entity, or company that it controls submitted an offer to obtain over the last twenty four months.

2° Carry out surveys of the authorities or of services producers and distributors. 2 Carry out surveys of the Authorities or services of Producers and Distributors.

The information that the council gathers pursuant to the provisions of this Article may be used only to carry out the assignments entrusted to it pursuant to this Act. Disclosure of said information is prohibited.

Article 41-1-1

(inserted by Act No. 2000-719 of 1 August 2000, Article 68, Official Journal of 2 August 2000)

To protect pluralism on the national level in digital mode, no authorisation may be issued pursuant to Articles 30-1 or 30-2 to a person who, on account thereof, would be in more than two of the following situations:

1° Be a holder of one or more authorisations for television services broadcast by terrestrial radio link in digital mode that allows servicing of areas whose recorded population stands at four million people;

2° Be a holder of one or more authorisation for radio broadcasting services that allows servicing of areas whose recorded population stands at thirty million people;

3° Be a holder of one or more authorisations to distribute services that allow servicing of areas whose recorded population stands at six million people;

4° Produce or control one or more daily printed publications of political and general information representing more than 20% of the total circulation on the national territory of printed daily publications of the same kind, considered over the last twelve months known prior to the date on which the application for authorisation was submitted.

However, an authorisation may be issued to a person who does not satisfy the provisions of this Article, provided that such person conforms with said provisions within a time limit set by the Conseil supérieur de l'audiovisuel and which may not exceed six months.

TITLE III

THE PUBLIC AUDIO-VISUAL COMMUNICATION SECTOR

Article 43-11

(inserted by Act No. 2000-719 of 1 August 2000, Article 3, Official Journal of 2 August 2000)

The companies listed in Articles 44 and 45 carry out public service assignments in the public interest. They shall offer the public, taken as a whole, a group of programmes and services which are characterised by their diversity and their pluralism, their requirement of quality and innovation, respect for the rights of the person and of constitutionally defined democratic principles.

They shall present a diversified offer of programmes in analogue and digital modes in the areas of information, culture, knowledge, entertainment and sport. They favour democratic debate, exchanges between different parts of the population as well as integration into society and citizenship. They shall promote the French language and highlight cultural and linguistic heritage in its regional and local diversity. They shall contribute to the development and broadcasting of intellectual and artistic creation and of civic, economic, social, scientific and technical knowledge as well as to audio-visual and media education.

Using adapted devices, they shall favour access to their broadcasted programmes by persons who are deaf and hard of hearing.

They shall guarantee the integrity, independence and pluralism of information as well as the pluralist expression of currents of thought and opinion in respect for the principle of the equality of treatment and the recommendations of the Conseil supérieur de l'audiovisuel .

The institutions of the public audio-visual communication sector, with respect to the performance of their assignment, shall contribute to the external audio-visual action, the influence of the French speaking world and the broadcasting of the French language and culture throughout the world. They shall endeavour to develop new services that may enrich or complete their programme offer as well as the new technologies of production and broadcasting of audio-visual communication programmes and services.

A report on the application of the provisions of this Article shall be filed each year in Parliament.

Under article 33-1

For the television services whose programmes include political and general information programmes, the agreement shall specify the measures to be implemented to guarantee the pluralistic nature of the expression of currents of thought and opinion as well as the integrity of information and its independence with regard to the economic interests of shareholders, especially when they hold procurement contracts or public service concessions.

Article 57

(Act No. 2000-719 of 1 August 2000, Article 87, Official Journal of 2 August 2000)

I. I. - The rights of the personnel and the journalists of the institutions referred to in this title may not depend in their opinion, beliefs or trade union or political membership. Hiring, appointment, advancement and transfer shall be taking place without other conditions than the professional capacities required and respect for the public service open to all.

II. II. - In the event of a concerted termination of work in the national programme companies or in the companies referred to in the last paragraph of paragraph I of Article 44 or the company referred to in Article 51, continuity of the service shall be assured in the following conditions:

- notice of strike must reach the chairman of the institutions referred to in the previous paragraph within a period of five clear days prior to the starting of the strike. It must set the place, date and time of the start as well as the duration, whether limited or not, of the planned strike;
- a new notice may be lodged by the same trade union organisation only at the end of the initial notice period and possibly of the strike that followed the latter;
- radio and television signals must be created, transmitted and emitted by the services or the personnel of programme companies and the company referred to in Article 51 which are responsible therefor;
- a decree in Conseil d'Etat shall define the provisions for application of the above paragraph. In particular, it shall define the services and categories of personnel strictly essential for the performance of said assignment and which the chairmen of the companies in question may call on.

III. - Notwithstanding the provisions of paragraph II above, the chairman of each company must take the necessary measures with respect to performance of the services that the number and categories of personnel present permit to be provided.

Article 13

(Act No. 89-25 of 17 January 1989, Article 8, Official Journal of 18 January 1989) (Act No. 89-25 of 17 January 1989, Article 8, Official Journal of 18 January 1989)

(Act No. 94-88 of 1 February 1994, Article 6 and 18, Official Journal of 2 February 1994) (Act No. 94-88 of 1 February 1994, Article 6 and 18, Official Journal of 2 February 1994)

(Act No. 2000-719 of 1 August 2000, Article 29, Official Journal of 2 August 2000) (Act No. 2000-719 of 1 August 2000, Article 29, Official Journal of 2 August 2000)

The High Council of Audiovisual Shall Ensure respect for the term of Pluralistic Thought Currents of opinion and in the programs of the radio and television broadcasting services, in Particular, for Political and general information programs.

The Higher Audiovisual Council Shall Provide the chairmen of the National Assembly and the Senate and the leaders of the Various Political Parties Represented in Parliament with a record of the speaking time of the politicians in news programmes, information bulletins, current affairs programmes and other programmes broadcasted.

Article 14 Article 14

(Act No. 87-588 of 30 July 1987, Article 98, Official Journal of 31 July 1987) (Act No. 87-588 of 30 July 1987 Article 98 Official Journal of 31 July 1987)
(Act No. 88-227 of 11 March 1988, Article 16, Official Journal of 12 March 1988) (Act No. 88-227 of 11 March 1988, Article 16, Official Journal of 12 March 1988)
(Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989) (Act No. 89-25 of 17 January 1989, Article 29, Official Journal of 18 January 1989)
(Act No. 90-55 of 15 January 1990, Article 22, Official Journal of 16 January 1990) (Act No. 90-55 of 15 January 1990, Article 22, Official Journal of 16 January 1990)

The Higher Audiovisual Council Shall exercise control, using all means clustering under, over the subject matter, content and programming modes of advertising programs broadcast by all national program companies and by Holders of Authorization Issued by the audio-visual communication services to pursuer this Act. Advertising programmes of a political nature are prohibited.

Any violation of the provisions of the above paragraph shall be punished by the penalties provided for in Article L90-1 of the Franchise Act. Any violation of the provisions of the Above paragraph Shall Be punished by the penalties Provided for in Article L90-1 of the Franchise Act.

Bill on Surveys:

This text aims to ensure greater transparency and more rigorous for all surveys with a political or electoral.

The first publication or first dissemination of each of these surveys should in particular be accompanied by the words of the organization which conducted the survey, the survey sponsor, the purchaser if different, the number of respondents and date of completion questions.

Data before "recovery" (techniques for pollsters to correct the raw data to reflect an insincere response rate) will also be published and the methods of "recovery" used.
People "surveyed" will not receive any gratuity

The second round of polls can not be achieved until the actual results of the first round.

Control of political polls should be strengthened: pollsters must send to the Commission survey, before publication, data from their studies. The Commission may issue notice must be published along with the survey.

It also provides a change in the composition of the Commission survey, an organization created in 1977 to ensure the objectivity of the political polls.

It will consist of eleven members appointed for six years: six judges (two from the Court of Auditors, two of the Court of Cassation and two of the State Council) and five experts.

Not be members of the Commission "people who see or have seen in the three years preceding their appointment or payment of any nature whatsoever, media or bodies carrying out surveys."

French Embassy in the UK:

Radio and television channels have the duty to keep the public informed during the electoral campaign and special broadcasts are organized so candidates have the opportunity to express themselves. The principle applicable to these broadcasts is one of equal treatment of the candidates. CSA closely monitors the media to verify that this principle is upheld.

Print media

In France, **the state guarantees the freedom of the press and safeguards the independence of the media by preserving the conditions for diverse opinions and pluralism in the media. The law prevents excessive media concentration by prohibiting any one media group from owning more than 30% of daily newspaper circulation.** The Act of 29 July 1881 on freedom of the press provides a framework for press freedom by setting restrictions aimed at striking a balance between freedom of speech, protection of individual rights, and public order. In 1984, the Constitutional Council acknowledged the constitutional value of press freedom and its necessary role in a democracy.

PROTECTION OF INDIVIDUAL RIGHTS

The law protects minors from written material and illustrations in which they can be identified. It prohibits licentious and violent publications that target minors. · The law punishes slander and defamation “Any offensive expression, contemptuous term or invective, without attribution of a fact, constitutes slander. **Any allegation or attribution of a fact that damages the honour or reputation of the person or entity to which the fact is attributed constitutes defamation**”. (Article 29, Act of 29 July 1881).

PUBLIC ORDER

The law punishes: · incitement to commit crimes or offences · justification of war crimes and crimes against humanity · incitement of discrimination, hatred and violence*

Act 90-615 of 13 July 1990 or “Gayssot Act” introduced a **right to respond** for any person who considers that a newspaper or other print medium has damaged his honour on the grounds of his ethnicity, nationality, race or religion. The Gayssot Act sets a punishment of five years’ imprisonment and a €45,000 fine for the public expression of ideas that challenge the existence of the crimes against humanity committed by Nazi Germany during World War II defined in the appendix to the London Agreement of 8 August 1945.

Audiovisual media

The freedom of the press has also applied to television since Act 82-652 of 29 July 1982 on audiovisual communications, which ended the state monopoly on television. The purpose of the various laws on audiovisual communications is to guarantee media independence and pluralism by establishing rules on to limit media concentration (Arts. 17 and 41-4 of Act 86-1067). Freedom of speech in the audiovisual media must not infringe individual rights. Article 1 of Act 86-1067 of 30 September 1986 on media freedom conditions “**the exercise of that freedom... on respect for human dignity, individual rights and private property, on the plural expression of schools of thought and opinion, on the protection of minors, on the preservation of public order and national security and on the standards expected of a public service**”. The legislation includes special measures to protect minors,

such as the ban on broadcasting programmes for them of a pornographic or violent nature. The guidance for public television channels and the agreements signed by private channels set forth ethical principles of independence and pluralism similar to those defined in the legislation. The Higher Audiovisual Council (www.csa.fr), France's independent media watchdog, guarantees media freedom. It is not empowered either to impose or to prevent the airing of a programme, but supervises programme compliance with the law and channel guidance after it is broadcast. The CSA pays special attention to programmes for young audiences and to ensuring that **the same amount of broadcast time is allocated to political parties and candidates during electoral periods**. Act 2000-719 of 1 August 2000 on media freedom amends and expands the 1986 Act by increasing the diversity of the audiovisual offering, chiefly through provisions on the introduction of digital terrestrial television and the establishment of local television stations.

2. Laws and regulations that pertain to the influence of political candidates and parties before, during, and after an election.

Main Research Findings:

The system is run-off voting. If nobody gets an absolute majority in the first round, a second round takes place where the two highest scoring candidates are voted on again.

The French president, as well as MPs in the National Assembly are voted in by direct universal suffrage.

The president's election expenses are capped at €13.7million. If a second round of voting is required for the determination of president, expenses are increased to €18.3million. The state reimburses presidential candidates €153,000 upon the publishing of the list of candidates.

After the vote, each candidate can claim half of the campaign spending limit if they have more than 5% of the vote, else they receive 1/20th the amount of the limit. The received moneys cannot exceed the amount spent according to the candidate's campaign account.

Political parties are formed only when they meet two conditions: that at least 15 MPs are brought together in the organization, and that a MP only supports one political group at a time. Parties also cannot be formed on the basis of representing private, local, or professional interests, or forcing a binding vote.

Public media and broadcasters must be impartial and independent. During parliamentary elections, 3 hours of public airtime divided equally groups in the majority of the National Assembly and groups not in the majority of the National Assembly. (3 hours divided up based on consensus or degree of importance of groups and parties.) In the second round, 1.5 hours are available to relevant parties and groups. Political groups and parties not part of the National Assembly are entitled to 7 minutes of public airtime in first round and 5 minutes in the second round, as long as they have at least 75 candidate nominations. (577 total seats in National Assembly.)

Private media and broadcasters must provide electoral coverage, and equal special coverage to political candidates. ("equal treatment")

3 months prior to an election period, no commercial political advertising.

No election propaganda during election period in which candidates does not have reasonable time to respond.

No distribution of fliers etc. on eve of Election Day.

6 months prior to an election period to the Election Day, no posters etc. except in specific locations reserved equally for candidates. Commercial political advertising is banned.

Finances:

Individual donations capped at 4,600 Euros during election campaigns. 7,500 Euros outside of election

campaigns.

Legal entities banned from donating to political candidates and parties.

Public electoral monies:

Parties must have presented candidates in at least 50 constituencies, and obtained 1% of vote, or candidates in only one or more overseas departments and obtained 1% of vote.

Public monies distributed based on:

Share based on % of votes received in previous electioneering and share based on % seats attained in National Assembly.

New political parties are entitled to public monies as long as within a 12 month period they received donations from 10,000 citizens with a minimum of 500 elected representatives, and donations totaling 150,000 Euros.

Outside election period, political groups in the National Assembly guaranteed certain amount of TV and radio airtime, and tax rebates on political expenses. Airtime distribution based on % representation in National Assembly.

Presidential candidates have spending limits: In 2007 presidential election, €16,166,000.00 for the first ballot, and €21,594,000.00 for each of the two candidates present at the second ballot. 38,000 Euro spending limits for National Assembly candidates.

No spending limit on candidate's contributions to their own campaigns as long as their own money and do not exceed spending limits.

Presidential candidates must have the support of 500 elected members of which must include 30 French administered territories outside of Europe with no more than 10% from one territory.

Candidates are advanced 153,000 Euros (1/20th of candidate expenditure limit. 50% of spending limit is refunded if candidate attains at least 5% of the total vote cast.

The state imposes 3,750 Euro fines and up to 1 year imprisonment for violation of finance laws, commercial advertising ban etc.

Research Excerpts:

Election Code:

Article L48-2

Created by [Law n ° 2011-412 of April 14, 2011 - art. 3](#)

It is forbidden for any candidate to bring to public attention a new element of controversy election at a time as his opponents do not have the opportunity to respond effectively before the end of the campaign.

Amended by [Act No. 2004-575 of June 21, 2004 - art. 2 Official Journal of 22 June 2004](#)

If a general election, any election result, partial or final, can not be made public through the press or by any means of communication to the public electronically, on the mainland before the close of the last office Voting on the mainland. It is the same in the overseas departments before the

close of the last polling station in each of the departments concerned.

Amended by [Decree No. 2006-1244 of 11 October 2006 - art. 5 Official Journal of 13 October 2006](#)

The campaign is open from the second Monday preceding the election date and ends on the eve of the vote at midnight. If the second round, the election is open the day after the first round and ends the day before polling at midnight.

Article R27

Amended by [Decree No. 2006-1244 of 11 October 2006 - art. 5 Official Journal of 13 October 2006](#)

Posters and flyers with a goal or a character election which include a combination of three colors: blue, red and white with the exception of the reproduction of the emblem of a political party or group is prohibited.

Posters must have a maximum width of 594 mm and a maximum height of 841 mm.

Article R28

Amended by [Decree No. 2007-1670 of 26 November 2007 - art. 3 Official Journal of 28 November 2007](#)

The maximum number of spaces reserved for displaying election pursuant to Article L. 51, apart from those established next to the polling stations shall be:

- In five municipalities with less than 500 voters;
- Ten in the other, plus by 3000 electors or fraction greater than 2000 in the municipalities with more than 5000 voters.

For elections where the candidate is subject to the mandatory filing of a statement, the locations are assigned by drawing of lots by the authority receiving the applications.

Constitution of October 4, 1958:

Amended by [Organic Law No. 2011-410 of April 14, 2011 - art. 22](#)

Ordinance No. 58-1064 of 7 November 1958 Organic Act on Election of President of the Republic is replaced by the following provisions with organic value.

I. Fifteen days before the first open ballot for the election of the President of the Republic, the Government shall publish the list of candidates.

This list is previously established by the Constitutional Council **on the basis of presentations made to it by at least five hundred citizens**, members of parliament, regional councils, the Assembly of Corsica, the departments of general advice, Mayotte, territorial councils Saint-Barthélemy, Saint Martin and Saint Pierre and Miquelon, the Council of Paris, the Assembly of French Polynesia, the congress and provincial assemblies of New Caledonia, the meeting Territorial Wallis and Futuna, mayors, mayors of municipalities associated delegates, mayors of the districts of Lyon and Marseille or elected members of the Assembly of French Citizens Abroad. The presidents of the legislative bodies of the urban communities, urban communities, the presidents of local communities, the president of French Polynesia, President of the Government of New Caledonia and French nationals MEPs elected in France may Also, under the same conditions, a candidate for president. Submissions must be received by the Constitutional Council no later than the sixth Friday before the first ballot in eighteen hours. Upon to apply the provisions of the fifth paragraph of [Article 7](#) of the Constitution, they must be received no later than the third Tuesday before the first ballot in eighteen hours. An application can not be accepted if, among the signatories of the presentation include elected at least thirty departments or communities overseas, without more than a tenth of them can be elected to same department or even a community overseas.

For the purposes of the provisions of the preceding paragraph, the senators representing French outside

France and the elected members of the Assembly of French Expatriates are deemed to be elected from the same department. For the purposes of the same provisions, the deputies and senators elected in New Caledonia and members of provincial assemblies of New Caledonia are deemed to be elected from the same department overseas or even community from overseas. For the purposes of the same provisions, French nationals of MEPs elected in France are deemed to be elected from the same department. For the same purpose, the chairs of legislative bodies of the urban communities, urban communities or communities of municipalities are deemed to be elected officials of the department belongs to the municipality in which they are delegates. For the same purpose, the Regional Advisers are deemed to be elected county departments corresponding to the sections referred to by [Article L. 338-1](#) of the Electoral Code. For the same purpose, advisers to the Corsican Assembly shall be deemed elected officials of the departments between which they are distributed pursuant to the provisions of [articles L. 293-1 and L. 293-2](#) of the Code.

The Constitutional Council shall ensure that the consent of the individuals who presented, on pain of nullity of their application, must submit, under seal, a statement of their financial situation in accordance with the provisions of [Article 135-1 LO](#) of the Electoral Code and commitment, if elected, to place two months earlier and one month later than the expiration of the term or, in case of resignation, within one month thereafter, a new declaration in accordance with these provisions will be published in the Official Journal of the French Republic within eight days of its filing. The name and quality of citizens who proposed the candidates listed are published by the Constitutional Council at least eight days before the first ballot, in the limit of the number required for the validity of the application.

V. A decree in Conseil d'Etat shall define the modalities of application of these provisions organic determines in particular the conditions of participation of state spending for propaganda. When publishing the list of candidates in the first round, the state pays each of them a sum of 153,000 euros as an advance on the reimbursement sum of their campaign expenses under paragraph below. If the refund amount is less than this amount, the excess is subject to a repayment.

An amount equal to the twentieth of the amount of campaign spending limits applicable to them is paid, as a lump sum to each candidate, that amount is increased to half of that limit for each candidate with more than 5 per 100 of total votes cast in the first round. Can not exceed the amount of expenditure of the candidate traced in his campaign account.

The total or partial reimbursement of expenses tracked in the campaign account is only possible after final approval of the account. The repayment sum is not paid to applicants who do not comply with the requirements of the second paragraph of this Article II, who have not filed their campaign accounts within the period specified in the second paragraph of Article L. 52-12 of the Election Code or whose campaign account is rejected for other reasons. In cases where irregularities do not lead to rejection of the day, the decision on the latter may reduce the amount of reimbursement based on the number and severity of these irregularities.

I. – RULES FOR THE SETTING-UP OF POLITICAL GROUPS

The Rules of Procedure of the National Assembly state that “*M.P.s may form groups according to their political affinities*”.

To be created, a group must meet two conditions:

- It must bring together a minimum number of M.P.s. This number has been changed from

twenty to fifteen in the National Assembly with the reform of the Rules of Procedure on May 27, 2009;

- It must transmit to the President's office a political statement signed by its members and put forward by the chairman they have chosen.

An M.P. may only be a member of one political group.

It is also possible, with the authorization of the *Bureau* of a group, to be a part of that group, not as a fully-fledged member but as an associated member. The associated members are not included in the minimum number necessary for the setting-up of a group but they are included in the group numbers concerning all other aspects of parliamentary life.

It is not mandatory to be a member of a group or to be associated to a group. M.P.s who are in such a position are named on the list of Members of Parliament as 'belonging to no group' and are usually referred to as 'non-enrolled'.

Changes may occur after the initial setting-up of a group. In the case of new membership or enrolment, the double signature of the chairman and the M.P. in question are required whilst in the case of resignation or expulsion only the signature of one or the other is necessary.

The Rules of Procedure also state that no group which presents itself as a group representing private, local or professional interests or which forces its members to accept a binding vote, can be created.

[Official Journal of 16 January 1990 in force on 1 September 1990](#)

No form of commercial advertising may be implemented for electoral purposes in favor of a candidate or a list of candidates without the express consent of the candidate, the head of the list or their duly qualified.

Election Code:

Article L48-1 [Learn more about this article ...](#)

Created by [Law n ° 2011-412 of April 14, 2011 - art. 2 2](#)

The prohibitions and restrictions of this Code for election propaganda shall apply to any message in the nature of electoral propaganda disseminated by any means of communication to the public electronically.

Article L48-2 [Learn more about this article ...](#)

Created by [Law n ° 2011-412 of April 14, 2011 - art. 3 3](#)

It is forbidden for any candidate to bring to public attention a new element of controversy election at a time as his opponents do not have the opportunity to respond effectively before the end of the campaign.

Article L49 [Learn more about this article ...](#)

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 4 4](#)

From the eve of the vote at midnight, you may not distribute or circulate newsletters, circulars and other documents.

From the eve of the vote at midnight, it is also illegal to distribute or to distribute by any means of communication to the public electronically any message in the nature of electioneering.

Article L49-1 [Learn more about this article ...](#)

Created by [Law n ° 2011-412 of April 14, 2011 - art. 5 5](#)

From the eve of the vote at midnight, it is forbidden, by an automated system or not, the phone call mass of voters to encourage them to vote for a candidate.

Article L50 [Learn more about this article ...](#)

It is forbidden for any officer of public authority or municipality to distribute ballots, creeds and circular candidates.

Article L51

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 6 6](#)

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 7 7](#)

For the duration of the election period, in each municipality, special places are reserved by the municipal authority for the application of election posters.

In each of these locations, an equal area is allocated to each candidate or each candidate list.

During the six months preceding the first day of an election until the date of the ballot where it is acquired, any posting on the election, even posters stamped, is prohibited outside of this location or the location reserved for other candidates, as well as outside billboards for free expression where they exist.

Article L52

If the mayor refuses or neglects to comply with the requirements of the preceding article and the regulations made for their execution, the warden must ensure immediate compliance by itself or by a delegate.

Article L52-1

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 6 6](#)

During the six months preceding the first day of an election until the date of the ballot where it is acquired, the use for purposes of electoral propaganda of any means of commercial advertising by way of the press or by means of audiovisual communication is prohibited.

On the first day of the sixth month preceding the month in which service is to be a general election, no advertising campaign achievements or management of a community can be organized on the territory of communities interested in election. Notwithstanding the provisions of this chapter, this prohibition does not apply to the presentation by a candidate or on its behalf in connection with the organization of his campaign, balance sheet management mandates held or he has held. The costs are subject to the provisions relating to funding and election spending limits contained in Chapter V bis of this title.

NOTA: NOTE:

Act 2001-2 2001-01-03 art. 23 II ; 23 II The provisions of the last two sentences of the second paragraph are of an interpretative nature.

Article L52-2 [Learn more about this article ...](#)

Amended by [Act No. 2004-575 of June 21, 2004 - art.](#)

French Embassy in the United Kingdom:

POLITICAL PARTY FUNDING IN FRANCE

4 April 2006

Since 1988, several Acts have been passed to provide a legal framework for financing political parties in France. The aim has been fourfold: to ensure that the bulk of the funding comes from the public purse, increase the transparency of the parties' accounts (Acts of 11 March 1988 and 15 January 1990), prohibit donations from businesses (Act of 19 January 1995) and limit campaign spending.

Political parties in France are today funded in two ways: by donations from individuals and by taxpayers.

1. Ceiling on individual donations; business donations prohibited

The policy is to encourage people to become paid-up members of political parties, with a tax rebate on their subscriptions. **Individual donations are capped at €7,500 (€4,600 during election campaigns).** Donations to political parties enjoy the same tax rebate as subscriptions to political parties. Donations of more than €150 must be made by cheque and a receipt issued. Despite the tax incentive, contributions by individuals have traditionally remained limited. To varying degrees, parties impose levies on those of their members who occupy an elected office. These levies generally exceed donations from individuals. (Parties can have other sources of private income, but these are severely limited by increasingly restrictive legislation: income from commercial and/or industrial activities, legacies.) **Since the Act of 19 January 1995, businesses have no longer been allowed to fund political parties (article 16) or contribute to the election campaigns of one or more candidates through direct or indirect donations (article 4).**

2. Public purse the main source of money. Annual two-part political party funding system

Only parties which have presented candidates in at least 50 constituencies and obtained at least 1% of the votes cast in the previous general election are eligible for money under this two-part system:

a) An initial part is shared between these parties in proportion to the number of votes each received in the previous general election (Act of 20 January 1993).

b) A second part is shared between these parties in proportion to the number of elected representatives each has in the two parliamentary assemblies. Members of the National Assembly and Senate must join a political "group" in Parliament for their party to receive this second part of the aid.

Moreover, under the June 2000 Act on gender parity, if a party fails to comply with the requirement for parity, its State funding is reduced.

A political party which has emerged since the previous general election is eligible for a lump sum contribution from the public purse (Act of 19 January 1995), provided it has received, in a twelve-month period, donations from at least 10,000 people (including a minimum of 500 elected representatives) totalling at least €150,000.

The State also grants political parties other facilities which can be regarded as indirect funding: outside election campaign periods (special rules apply during campaigns), political Groups in the National Assembly or Senate have the right to a certain amount of air time, allowing them to broadcast on public radio stations and television channels: similarly, the State grants political parties some tax rebates (reduced rate corporation tax) on some of their own income (from renting out their buildings and undeveloped sites, for example).

Finally, after an election the State reimburses a proportion of a party's campaign expenses according to

the percentage of the total votes cast it has obtained.

In 2004, France had around 230 registered political parties. Six of them received 90% of the public funding: Union pour un Mouvement Populaire (UMP), Parti Socialiste (PS), Front National (FN), Union pour la Démocratie Française (UDF), Parti Communiste français (PCF), Verts (Green Party). In 2003, the French State paid €73 million to 66 political parties and groups, including 34 in Overseas France. The UMP (526 National Assembly deputies) initially received the most aid with €33.4 million, but this was cut by almost €4 million for failure to comply with the Act on parity; the PS (235 deputies elected) received €19.6 million; the FN (no deputies elected) €4.6 million; the UDF (61 deputies elected) €4.3 million; the PCF (41 deputies elected) €3.7 million. The same amount of money is scheduled to be allocated in 2006, €33 million for the "initial part" and €40 million for the "second part" (Order 2006-86 of 30 January 2006).

3. Transparency increased

a) Control and publication of parties' accounts: a National Campaign Accounts and Political Funding Commission (CNCCFP - Commission Nationale des Comptes de Campagne et des Financements politiques) was established by the Act of 15 January 1990. To obtain public funding, parties must keep accounts, get them audited by two auditors and submit them to the CNCCFP, which scrutinizes them and publishes them in the Journal Officiel (www.cnccfp.fr).

b) Transparency of elected representatives' personal wealth: on their election and at the end of their term of office, all members of the government, deputies, MEPs and local elected representatives must submit to the Commission for Transparency in Politics a sworn statement giving details of all their property. This Commission checks that they have not gained financial or other material benefits for themselves as a result of their political mandate/public office (Act of 11 March 1988).

(www.commission-transparence.fr).

4. Expenditure limited:

To level the playing field for candidates, a ceiling has been imposed on their spending.

In European elections, the ceiling is €1.15 million per party. In the 2007 presidential election, it will be €15.5 million per candidate and €20.7 million for the 2 candidates in the second round. In general elections, the spending limit is €38,000 plus €0.15 per constituency resident (article L52-11 of the Electoral Code). A specific percentage is added to this amount, set in 2000, to allow for the increase in the cost of living (18% under the Order of 31 August 2005). In municipal elections, the ceiling depends on the size of the commune (municipality).

Political advertising on commercial hoardings is banned for the three months preceding the election.

French Ministry of Foreign and European Affairs:

Presidential elections

Under the Fifth Republic and since the constitutional revision of 6 November 1962 approved by the referendum of 28 October 1962, the President of the Republic has been elected by **direct universal suffrage**. The referendum of 24 September 2000 put an end to the principle of a seven-year term instituted under the Third Republic. **The presidential term is now five years, renewable.**

The polling method used in presidential elections is the "*scrutin uninominal majoritaire à deux tours*", literally a two-round single name first-past-the-post poll.

However, a candidate may in fact be elected in the first round if s/he obtains an absolute majority of the votes cast.

If no candidate achieves this in the first round, a second round takes place two weeks later. Since the person elected has to obtain the majority of votes cast, as provided by the Constitution (article 7), only two candidates may go forward to this second round: the two highest-scoring candidates in the first round.

A candidate is eligible only if s/he is sponsored by at least 500 citizens holding elective office as defined by the institutional Act. The candidature is accepted only if the 500 sponsors include elected representatives from at least 30 French-administered territories outside Europe, no more than 10% of whom may be from just one of them. The Constitutional Council publishes the names and offices of the signatories.

Since the institutional Act of 11 March 1988 relating to the financial transparency of political life, candidates have had to submit to the Constitutional Council a declaration of their estate and an undertaking to file a new declaration at the end of their term of office. After the election, the Constitutional Council publishes only the elected candidate's declaration. After checking all the admissibility requirements, the Constitutional Council draws up the list of candidates.

Law no. 88-227, of March 11, 1988 on financial transparency in political life:

Article 9

· Modified by the Order no. 2009-536, of May 14, 2009 - art. 15

The first fraction of the aids established in article 8 is allocated:

- **either to the political parties and bodies having presented, on the occasion of the most recent renewal of the National Assembly, candidates that each have obtained at least 1 % of the votes cast in at least fifty constituencies;**
- **or to the political parties and bodies having presented candidates, on the occasion of the most recent renewal of the National Assembly only in one or more overseas departments, or in Saint-Pierre-et-Miquelon, Saint-Barthélemy, Saint-Martin, Mayotte, New Caledonia, French Polynesia or the islands Wallis and Futuna, and whose candidates have obtained at least 1 % of the votes cast in all the constituencies where they appeared.**

The distribution is performed proportionately to the number of votes obtained in the first tour of elections by each of the respective parties and bodies. The votes obtained by the candidates declared ineligible pursuant to article L.O. haven't been taken into account. 128 of the electoral code.

For the distribution stipulated in the previous paragraphs, the candidates running for Member of Parliament (deputy) indicate, where appropriate, in their candidature statement, the political party or body they join. This party or body may be chosen from a list established by decision of the Minister of the Interior published by the Official Journal of the French Republic no later than the fifth Friday prior to the polling day, or outside this list. The list comprises the group of political parties or bodies having submitted to the ministry of the interior, no later than the sixth Friday prior to the polling day, at sixteen hours, a request with the object of benefiting from the first fraction of the aids established in article 8.

The second fraction of these aids is allocated to the political parties and bodies which are beneficiaries of the first fraction, set below proportionally to the number of members of Parliament having declared to the bureau of their assembly, during the month of November, that they were registered or had joined the said party or body. Each Member of Parliament may indicate only one political party or body for the application of the previous paragraph.

No later than December 31 of the present year, the National Assembly bureau and the Senate bureau communicate to the Prime-Minister the distribution of the member of Parliament among political parties and bodies, as it results from the declarations of the members of Parliament.

The amount of the aids allocated to each party or body is identified in a reported attached to the financial bill of the year.

Article 9-1

· Modified by the LAW no. 2009-526, of May 12, 2009 - art. 80

In case, for a political party or body, the difference between the number of candidates of each sex having declared to join this party or body, on the occasion of the last general renewal of the National Assembly, according to the fifth paragraph of article 9, exceeds 2 % of the total number of these candidates, the amount of the first fraction allocated to it for the application of articles 8 and 9 is diminished by a percentage equal to three quarters of this difference proportional to the total number of these candidates.

This reduction is not applicable to the political parties and bodies having presented exclusively overseas candidates if the difference between the number of candidates of each sex who have joined it is not superior by one.

[Provisions declared non compliant to the Constitution by decision of the Constitutional Council n° 2000-429 DC, of May 30, 2000]

Campaigning for the French presidency is highly regulated. Below are the main rules governing campaign spending for the 12 presidential candidates during the run-up to the April 22 and May 6 polls.

- Campaign spending is limited to 15.5 million euros (\$20.7 million), per candidate, while a total of 20.7 million euros is allowed for the two candidates who make it through to the second round of elections.
- All campaign donations and expenses made during the year prior to the vote must be declared and submitted for a post-election audit.
- The state reimburses parties for most of their expenses, unless they violate financing rules, in which case repayment is withheld as a penalty.
- In theory, candidates may amass war chests, but the spending cap means that it offers little advantage to the bigger parties.
- Electoral law prohibits all donations from businesses or fundraising associations.
- Individuals may donate up to 4,600 euros to a candidate's campaign.
- Pamphlets and posters are allowed in designated areas, such as large road junctions, schools and municipal buildings, but political advertising on commercial ad space -- by candidates or their

supporters -- is banned.

- Candidates, parties, and their supporters are banned from purchasing television or radio airtime.
- The main television and radio stations must give candidates equal coverage in news broadcasts. They must also allocate equal amounts of airtime for a limited number of campaign broadcasts which are free of charge. Source: Constitutional Council (\$1=.7582 Euro)

French Embassy in the United Kingdom :

All forms of paid commercial advertisements through the press or by any audiovisual means are prohibited during the three months preceding the election. Instead, political advertisements are aired free of charge on an equal basis for all of the candidates on national television channels and radio stations during the official campaign.

The President is elected for a five-year renewable term. An absolute majority of the votes cast is required for election on the first ballot. If no candidate receives a majority in the first ballot, a second round of balloting is held two weeks later. Only the top two, first-round candidates who choose to remain in the running are eligible for the second balloting. Presidential elections must be held not less than twenty days and not more than thirty-five days before the expiration of the term of the President then in office. France's most recent presidential election took place in April and May of 2007.

The National Assembly has 577 députés elected for a five-year term. Candidates winning 50 percent or more of the vote in their constituencies are elected on the first ballot. If no candidate received a majority, candidates winning less than 12.5 percent are eliminated and the other candidates go on to a second round of voting. The candidate who receives the most votes is elected. The last National Assembly election took place on June 10 and 17 of 2007.

If a general election, any election result, partial or final, can not be made public through the press or by any means of communication to the public electronically, on the mainland before the close of the last office Voting on the mainland. It is the same in the overseas departments before the close of the last polling station in each of the departments concerned.

The Electoral Code provides that "the electoral campaign is officially opened the second Monday that precedes the first round of balloting." Ballots are always held on a Sunday. If a second ballot is necessary, the campaign re-opens the next day for a week. The dates of elections are set forth by decree. In the 2007 presidential election, for example, the decree provided that the first ballot would take place on April 22, 2007, and, if necessary, the second ballot would occur on May 6, 2007. The campaign officially started on April 9, 2007.

In the case of the election to the National Assembly, however, the official campaign opens twenty days before the date of the first ballot.

There are several additional important dates during the preparation of an election. Contributions by physical persons to one or more candidates for a specific election are authorized only "during the year preceding the first day of the election and until the date of the ballot when the election is completed." They must be collected through an authorized financial representative appointed by the candidate, never paid directly to the candidate himself.

In addition, three months before the ballot, which date is set forth by decree, the following are

prohibited:

- **All forms of paid commercial advertisements through the press or by any audiovisual means;**
- **Affixing electoral posters or other campaign material in locations and spaces other than those officially assigned to each candidate by the local authorities; and**
- **For the candidates, providing toll-free telephone numbers and computer databases to the public.**

B. Corporate, Union, and Other Advocacy Group Contributions

No legal entity is allowed to participate in financing a political candidate unless the legal entity is a political party or a political group. Financing is not allowed in any form whether direct, e.g., by donating money, or indirect, e.g., by rendering services or granting favors or advantages to a candidate's political campaign by providing services and products below regular market fees or prices.

Nor is a legal entity allowed to finance political parties or political groups. Financing is not allowed in any form whether direct, e.g., by donating money or properties, or indirect, e.g., by rendering services, providing products below regular market fees or prices, or granting favors or advantages to political parties, groups, their financial representatives, or associations.

The intent of Parliament was to cut any link between the economic world and the political world. To compensate for this loss of funding, it sensibly increased public funding.

C. Foreign Contributions

Foreign states or foreign legal entities cannot make direct or indirect donations to a political candidate. No restriction is mentioned regarding foreign physical persons, and there is no provision regarding the requirement to raise all or the majority of funds within a candidate's home constituency. Political parties also are prohibited from receiving contributions from foreign states or foreign legal entities.

D. Candidate's Own Contribution

There is no limit to the amount a candidate may contribute to his own campaign other than the general ceilings on campaign expenditures; however, proof that the funds legitimately belong to the candidate must be provided.

E. Political Party Contributions

There is no limit to the amount a political party may wish to contribute to the campaign of one of its candidates other than the general ceilings on campaign expenditures.

Ceilings on Campaign Expenditures

France has placed ceilings on campaign expenditures. The ceiling on expenditures for the 2007 presidential campaign for each presidential candidate was €16,166,000.00 for the first ballot, and €21,594,000.00 for each of the two candidates present at the second ballot. The 2007 campaign account of President Nicolas Sarkozy shows that his expenditures were €21,038,893.00, while the total expenditures of his opponent, Segolène Royal, were €20,712, 043.00.

As for the election of the députés, the ceiling is composed of a fixed base (€38,000 per candidate), and an additional amount depending on the population of each electoral district (€0.15 for each resident) multiplied by a revalorization coefficient of 1.18. For example, the ceiling in an electoral district of 107,425 residents would be calculated as follows: €38,000 + (€0.15 x 107 425) x 1.18 = € 63,854. Ceilings are reviewed every three years.

Ceilings may come into conflict with Article 10 of the European Convention on Human Rights, which proclaims the right to freedom of expression. The European Court of Human Rights held in *Bowman v. The United Kingdom* that imposing on independent third parties a £5 ceiling on publications for the

purpose of supporting a candidate's election campaign was a disproportionate interference with the applicant's freedom of expression.

The case arose after Mrs. Bowman, the executive director of the Society for the Protection of the Unborn Child, was prosecuted for arranging the distribution of one and a half million leaflets across the United Kingdom before the parliamentary elections in April 1992. The leaflets compared the record on abortion of the candidates and clearly exceeded the £5 limit. The Court found that the £5 limit operated "as a total barrier to Mrs. Bowman's publishing information with a view to influencing the voters in favor of an anti-abortion candidate." The Court further stated that:

It [the court] is not satisfied that it was necessary thus to limit her expenditure to GBP 5 in order to achieve the legitimate aim of securing equality between candidates, particularly in view of the fact that there were no restrictions placed upon the freedom of the press to support or oppose the election of any particular candidate or upon political parties and their supporters to advertise at national or regional level, provided that such advertisements were not intended to promote or prejudice the electoral prospects of any particular candidate in any particular constituency.

It concluded that the restriction in question was disproportionate to the aim pursued.

No case against France on similar issues and based on Article 10 of the European Convention on Human Rights could be located. As for a challenge to the ceilings based on the constitutional principle of freedom of expression, the French courts historically have stayed away from challenging the constitutionality of laws. The review of the constitutionality of laws is solely entrusted to the Constitutional Council, which expresses an opinion on the validity of a measure before it is promulgated. A provision declared unconstitutional cannot be promulgated and therefore cannot take effect.

As a general rule, all forms of paid commercial advertisement through the press or by any audiovisual means during the three months preceding an election are prohibited. The state provides free access to public radio and television for political advertisement for a certain amount of time during the official election campaigns.

Each presidential candidate is entitled to an equal amount of time for public television and radio broadcast advertisement during the official campaign. The total minimum air time set forth by law is fifteen minutes per television channel and radio station for each candidate on the first ballot and one hour on the second ballot. The High Council on Audiovisual (Conseil supérieur de l'audiovisuel, hereafter CSA), an independent administrative authority, approves the actual amount of time of advertisement in cooperation with the candidates. During the 2007 presidential election, CSA approved forty-five minutes of advertisement per channel and station for each candidate for the first ballot and sixty minutes for the second ballot. CSA also established with the candidates the duration, format, and numbers of advertisements to be run within the time limits set forth above.

In the National Assembly election, political parties or groups may use public radio and television for 3½ hours for the first ballot, and 12 hours for the second ballot. The 3½-hour and 12-hour periods are divided into two equal parts, one being used by parties belonging to the majority and the other by opposition parties. The time used by each party within their general time slot is decided by the presidents of the parties. If no agreement between the presidents can be reached, the time will be divided by the bureau in charge of the general management of the outgoing National Assembly. Groups and parties that are not represented at the National Assembly have seven minutes for the first

ballot and five minutes for the second, provided that they have at least seventy-five candidates running in the election.

C. Penalties for Irregularities

When a candidate exceeds the ceiling on expenditures, the CNCCFP determines a sum equal to the amount in excess that the candidate must pay to the Public Treasury. In addition, a fine of €3,750 and/or imprisonment for up to a year may be imposed on a candidate who does not respect the following provisions:

- Requirements regarding the handling of all financial matters through an authorized financial representative;
- Prohibitions on paid commercial advertisements through the press or by any audiovisual means and on providing toll-free telephone numbers and computer databases to the public three months before the ballot;
- Limitations on the ceilings for donations; or
- Requirements concerning the ceiling on campaign expenditures.

Finally, the same penalties will apply to anyone who contributes to the financing of election campaigns in violation of the limit set by the law or manages the campaign funds for a candidate in violation of conditions provided for by the law.

Article L167-1

Amended by [Order No. 2003-1165 of December 8, 2003 - art. Official Journal of 16 December 9, 2003](#)

I. - The parties and groups can use the antennae of public service broadcasting for their campaign for parliamentary elections. Each program is broadcast by the national television and radio broadcasting.

II. - For the first ballot, a transmission time of three hours is available to the parties and groups represented by the parliamentary groups of the National Assembly.

It is divided into two equal parts, one being assigned to groups that belong to the majority, the other for those who do not belong.

The time allocated to each group or party in each of these series of programs is determined by agreement between the presidents of the groups. Failing agreement, the distribution is determined by the members making up the office of the outgoing National Assembly, taking into particular account the relative importance of these groups for these discussions, the office is completed by the group chairmen .

Emissions before the second round have a duration of half past one: they are divided between the same parties and groups and in the same proportions.

III. - Any political party or group that is not represented by the parliamentary groups of the National Assembly has access, on request, to public service broadcasts of audiovisual communication for a period of seven minutes in the first round and five minutes the second, when at least seventy-five candidates said in their nomination paper, attach it to the application of the procedure under the second paragraph of Article 9 of Law No. 88 - 277 of 11 March 1988 on financial transparency of political life.

The authorization is given to those parties or groups under conditions to be fixed by decree.

IV. - The conditions of production, programming and broadcasts are set after consultation with the

boards of domestic companies and television broadcasting, the Higher Audiovisual Council

V. - With regard to broadcasts intended for reception outside France, the Higher Audiovisual Council takes into account the delivery time and time differences.

3. Laws and regulations on electoral finance

Main Research Findings:

During elections, campaign finance for candidates are to be managed by a "fiscal agent" who oversees the campaign account. Campaign accounts are required for auditing for all candidates who have greater than 1% of the vote.

Individual donations capped at 4,600 Euros during election campaigns. Outside of election period, individual donations capped at 7,500 Euros.

Legal entities banned from donating to political candidates and parties.

Public electoral monies:

Parties must have presented candidates in at least 50 constituencies, and obtained 1% of vote, or candidates in only one or more overseas departments and obtained 1% of vote.

Public monies distributed based on:

Share based on % of votes received in previous electioneering and share based on % seats attained in National Assembly.

New political parties are entitled to public monies as long as within a 12 month period they received donations from 10,000 citizens with a minimum of 500 elected representatives, and donations totaling 150,000 Euros.

Outside election period, political groups in the National Assembly guaranteed certain amount of TV and radio airtime, and tax rebates on political expenses. Airtime distribution based on % representation in National Assembly.

Presidential candidates have spending limits: In 2007 presidential election, €16,166,000.00 for the first ballot, and €21,594,000.00 for each of the two candidates present at the second ballot. 38,000 Euro spending limits for National Assembly candidates.

No spending limit on candidate's contributions to their own campaigns as long as their own money and do not exceed spending limits.

Presidential candidates must have the support of 500 elected members of which must include 30 French administered territories outside of Europe with no more than 10% from one territory.

Candidates are advanced 153,000 Euros (1/20th of candidate expenditure limit).

50% of spending limit is refunded if candidate attains at least 5% of the total vote cast. A candidate who spends up to 50% of the cap will get back the entirety of his or her expenses.

The state imposes 3,750 Euro fines and up to 1 year imprisonment for violation of finance laws, commercial advertising ban etc.

State assist the disabled persons with casting their vote, and allows prisoners to vote who have not lost

the right.

Research Excerpts:

Election Code:

The election expenses limit provided for in [Article L. 52-11](#) of the Election Code is set at 13.7 million euros for a candidate in the election of the President of the Republic. There is increased to 18.3 million euros for each candidate in the second round.

Individuals may not, under the provisions of [Article L. 52-8](#) of the Election Code, grant loans and advances repayable candidates.

V. A decree in Conseil d'Etat shall define the modalities of application of these provisions organic determines in particular the conditions of participation of state spending for propaganda. When publishing the list of candidates in the first round, the state pays each of them a sum of 153,000 euros as an advance on the reimbursement sum of their campaign expenses under paragraph below. If the refund amount is less than this amount, the excess is subject to a repayment.

An amount equal to the twentieth of the amount of campaign spending limits applicable to them is paid, as a lump sum to each candidate, that amount is increased to half of that limit for each candidate with more than 5 per 100 of total votes cast in the first round. Can not exceed the amount of expenditure of the candidate traced in his campaign account.

The total or partial reimbursement of expenses tracked in the campaign account is only possible after final approval of the account. The repayment sum is not paid to applicants who do not comply with the requirements of the second paragraph of this Article II, who have not filed their campaign accounts within the period specified in the second paragraph of Article L. 52-12 of the Election Code or whose campaign account is rejected for other reasons. In cases where irregularities do not lead to rejection of the day, the decision on the latter may reduce the amount of reimbursement based on the number and severity of these irregularities.

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 16](#)

Seized by the Committee established by Article [L. 52-14](#) , the election judge may declare ineligible for the candidate whose campaign account, where appropriate after Reformation, shows an excess of the maximum election expenses.

Seized under the same conditions, the election judge may declare ineligible for the candidate who has not filed his campaign account in the manner and within the time prescribed in Article [L. 52-12](#) .

It also decides the ineligibility of the candidate whose campaign account was properly rejected in the case of willingness to fraud or failure of particular severity the rules on campaign financing.

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 8](#)

Donations made by a person properly identified to finance the campaign of one or more candidates in the same election may not exceed 4,600 euros.

Corporations, with the exception of political parties or groups, cannot participate in financing the

election campaign of a candidate, or by extending donations in any form whatsoever or by providing goods, services or other direct or indirect benefits to prices lower than those usually practiced.

Any donation of more than 150 euros granted to a candidate for his campaign to be paid by check, bank transfer, debit or credit card.

The total amount of cash donations to the candidate may not exceed 20% of the amount of authorized expenses if the amount is less than 15 000 euros under Article [L. 52-11](#) .

No candidate may receive, directly or indirectly, for any expense whatsoever, contributions or material support to a foreign state or a legal entity under foreign law.

Notwithstanding the first paragraph of Article [L. 52-1](#) , candidates or lists of candidates may use advertising in the press to solicit donations allowed by this section. Advertising can not contain other than those required to enable the payment of the gift.

The amounts provided in this section are updated every year by decree. They evolve as the price index for household consumption, excluding tobacco.

Article L52-9

Article L52-10

Amended by [Order 2000-916 2000-09-19 Annex II, Official Journal of 22 September 2000 into force on 1 January 2002](#)

The association of election financing or fiscal agent issues a receipt to the donor including a State Council decree sets the conditions for the establishment and use. The decree also determines the manner in which the receipts issued for donations of an amount equal to or less than 3000 euros made by individuals do not mention the name of the applicant or recipient the name of the beneficiary list.

Article L52-11

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 14](#)

For the elections to which Article [L. 52-4](#) is applicable, it shall be a limit on election expenses (1), other than expenses of propaganda directly supported by the state, exposed by each candidate or each candidate list, or on their behalf, in the period mentioned in that article.

The ceiling is determined by the number of inhabitants of the district election in accordance with the following table:

Fraction of the population of the district:	Per capita ceiling of voters think (in euros):			
	Election of Councillors:		Election of councilors	Election of Regional Councillors
	These lists in the first round	Lists in the second round		
Not exceeding 15 000 inhabitants:	1, 22	1, 68	0, 64	0, 53
15 001-30 000:	1, 07	1, 52	0, 53	0, 53
30 001-60	0, 91	1, 22	0, 43	0, 53

000:				
60 001-100 000:	0, 84	1, 14	0, 30	0, 53
100 001-150 000:	0, 76	1, 07	-	0, 38
150 001-250 000:	0, 69	0, 84	-	0, 30
Exceeding 250 000 inhabitants:	0, 53	0, 76	-	0, 23

The expenditure ceiling for the election of members is 38 000 euros per candidate. It is increased by 0, 15 euro per inhabitant in the district.

The ceilings set for the election of regional councilors are applicable to the election of councilors to the Corsican Assembly.

The amounts provided in this section are updated every year by decree. They evolve as the price index for household consumption, excluding tobacco.

NOTE:

(1): Decree 2009-1730 of 30 December 2009 art. 1: The amount of election expenses limit is multiplied by the coefficient of 1.23 for the elections to which the provisions of Article L. 52-11 of the Election Code shall apply, with the exception of members of parliament and representatives of the European Parliament.

Article L52-11-1

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 9](#)

The election expenses of candidates which Article [L. 52-4](#) is applicable are subject to a flat reimbursement from the state equal to 50% of their spending limit. The reimbursement may not exceed the amount of expenses paid on the personal contribution of candidates and traced in their campaign accounts.

The repayment sum is not paid to candidates who received less than 5% of the votes cast in the first round of voting, which does not comply with the requirements of Article [L. 52-11](#) , who have not filed their campaign accounts within the period specified in the second paragraph of Article [L. 52-12](#) or whose campaign account is rejected for other reasons or who have not filed their tax asset situation, they are subject to this requirement.

In cases where irregularities do not lead to rejection of the day, the decision on the latter may reduce the amount of reimbursement based on the number and severity of these irregularities.

Article L52-12

Amended by [Law n ° 2011-412 of April 14, 2011 - art. 10](#)

Each candidate or candidate tops the list submitted to the ceiling provided for in Article [L. 52-11](#) who received at least 1% of the votes cast is required to establish a campaign account tracing, by origin, all income received and according to their nature, all expenditures made or incurred in for election, except those of the official campaign for himself or on his behalf during the period mentioned in Article [L. 52-4](#) . The same responsibility to the candidate or candidate tops the list when it has received donations

from individuals in accordance with Article [L. 52-8](#) of this Code as provided in section [200](#) of the General Tax Code. Shall be deemed made on behalf of the expenditure incurred directly to the candidate and with the approval of it by individuals who are supporting him, and by the political parties and groups that were created for him supporting or its supporters. The candidate believes and includes revenue and expenses, direct or indirect benefits, service delivery and in-kind donations he received. The campaign account must be in balance or in surplus and can not have a deficit. No later than 18 hours before the tenth Friday following the first ballot, each candidate or leading candidate in the first round this table in the National Campaign Accounts and Political Funding his campaign account and its annexes together with supporting evidence of its revenue and invoices, specifications and other documents required to establish the amount of expenses paid or incurred by a candidate or on his behalf. The campaign account is presented by a member of the order of accountants and chartered accountants, it puts the campaign account in a state of review and whether the presence of required supporting documents. This presentation is not necessary when no expenditure or revenue does not appear in the campaign account. In this case, the agent issues a certificate of absence of expenditure and revenue. This presentation is not required if the candidate or list which he is head of the list received less than 1% of the vote and has not benefited from donations of individuals as provided in Article 200 of the General Tax Code.

French Embassy in the United Kingdom:
POLITICAL PARTY FUNDING IN FRANCE
4 April 2006

Since 1988, several Acts have been passed to provide a legal framework for financing political parties in France. The aim has been fourfold: to ensure that the bulk of the funding comes from the public purse, increase the transparency of the parties' accounts (Acts of 11 March 1988 and 15 January 1990), prohibit donations from businesses (Act of 19 January 1995) and limit campaign spending. Political parties in France are today funded in two ways: by donations from individuals and by taxpayers.

1. Ceiling on individual donations; business donations prohibited

The policy is to encourage people to become paid-up members of political parties, with a tax rebate on their subscriptions. **Individual donations are capped at €7,500 (€4,600 during election campaigns).** Donations to political parties enjoy the same tax rebate as subscriptions to political parties. Donations of more than €150 must be made by cheque and a receipt issued. Despite the tax incentive, contributions by individuals have traditionally remained limited. To varying degrees, parties impose levies on those of their members who occupy an elected office. These levies generally exceed donations from individuals. (Parties can have other sources of private income, but these are severely limited by increasingly restrictive legislation: income from commercial and/or industrial activities, legacies.) **Since the Act of 19 January 1995, businesses have no longer been allowed to fund political parties (article 16) or contribute to the election campaigns of one or more candidates through direct or indirect donations (article 4).**

2. Public purse the main source of money. Annual two-part political party funding system

Only parties which have presented candidates in at least 50 constituencies and obtained at least 1% of the votes cast in the previous general election are eligible for money under this two-part system:

a) An initial part is shared between these parties in proportion to the number of votes each received in the previous general election (Act of 20 January 1993).

b) A second part is shared between these parties in proportion to the number of elected representatives each has in the two parliamentary assemblies. Members of the National Assembly and Senate must join a political "group" in Parliament for their party to receive this second part of the aid.

Moreover, under the June 2000 Act on gender parity, if a party fails to comply with the requirement for parity, its State funding is reduced.

A political party which has emerged since the previous general election is eligible for a lump sum contribution from the public purse (Act of 19 January 1995), provided it has received, in a twelve-month period, donations from at least 10,000 people (including a minimum of 500 elected representatives) totalling at least €150,000.

The State also grants political parties other facilities which can be regarded as indirect funding: outside election campaign periods (special rules apply during campaigns), political Groups in the National Assembly or Senate have the right to a certain amount of air time, allowing them to broadcast on public radio stations and television channels: similarly, the State grants political parties some tax rebates (reduced rate corporation tax) on some of their own income (from renting out their buildings and undeveloped sites, for example).

Finally, after an election the State reimburses a proportion of a party's campaign expenses according to the percentage of the total votes cast it has obtained.

In 2004, France had around 230 registered political parties. Six of them received 90% of the public funding: Union pour un Mouvement Populaire (UMP), Parti Socialiste (PS), Front National (FN), Union pour la Démocratie Française (UDF), Parti Communiste français (PCF), Verts (Green Party). In 2003, the French State paid €73 million to 66 political parties and groups, including 34 in Overseas France. The UMP (526 National Assembly deputies) initially received the most aid with €33.4 million, but this was cut by almost €4 million for failure to comply with the Act on parity; the PS (235 deputies elected) received €19.6 million; the FN (no deputies elected) €4.6 million; the UDF (61 deputies elected) €4.3 million; the PCF (41 deputies elected) €3.7 million. The same amount of money is scheduled to be allocated in 2006, €33 million for the "initial part" and €40 million for the "second part" (Order 2006-86 of 30 January 2006).

3. Transparency increased

a) Control and publication of parties' accounts: a National Campaign Accounts and Political Funding Commission (CNCCFP - Commission Nationale des Comptes de Campagne et des Financements politiques) was established by the Act of 15 January 1990. To obtain public funding, parties must keep accounts, get them audited by two auditors and submit them to the CNCCFP, which scrutinizes them and publishes them in the Journal Officiel (www.cnccfp.fr).

b) Transparency of elected representatives' personal wealth: on their election and at the end of their term of office, all members of the government, deputies, MEPs and local elected representatives must submit to the Commission for Transparency in Politics a sworn statement giving details of all their property. This Commission checks that they have not gained financial or other material benefits for themselves as a result of their political mandate/public office (Act of 11 March 1988).

(www.commission-transparence.fr).

4. Expenditure limited:

To level the playing field for candidates, a ceiling has been imposed on their spending.

In European elections, the ceiling is €1.15 million per party. In the 2007 presidential election, it will be

€15.5 million per candidate and €20.7 million for the 2 candidates in the second round. In general elections, the spending limit is €38,000 plus €0.15 per constituency resident (article L52-11 of the Electoral Code). A specific percentage is added to this amount, set in 2000, to allow for the increase in the cost of living (18% under the Order of 31 August 2005). In municipal elections, the ceiling depends on the size of the commune (municipality).

2012 presidential election: rules for campaign accounts

The National Campaign Accounts and Political Funding has set April 11, 2011 the procedure for the campaign accounts of candidates for the 2012 presidential election.

Each candidate is required to establish a campaign account tracing, by origin, all income received and according to their nature, all expenditures made or incurred for the election except those of the official campaign, by itself or on its behalf, during a defined period. The presidential election is scheduled on 15 and 29 April 2012, ie April 22 and May 6, 2012, fund-raising can take place from 1 April 2011 until the date of filing of campaign accounts. The National Campaign Accounts and Political Funding is responsible for making a decision for each campaign account, after controlling for income and expenditure. It determines the amount of reimbursement owed by the State within six months from the date of filing of the account.

According to the decree of December 30, 2009, the maximum election expenses shall be:

- 16.851 million euros in the first round,
- 22.509 million euros for the second round.

French Embassy in the UK:

Contributions by Physical Persons

As seen above, contributions given by physical persons to one or more candidates for a specific election are authorized only during the year preceding the election. With regard to contribution amounts, a distinction is made between contributions below or equal to €150, (referred to as “cash contributions”) and contributions of more than €150. Contributions of more than €150 must be paid by check or online, with the donor duly identified. A physical person duly identified is allowed to contribute up to €4,600. Cash contributions cannot exceed €150 per donor. The total amount of cash contributions to a candidate cannot exceed 20 percent of the authorized campaign expenditure amount when such amount is equal to or more than €15,000.

Physical persons’ donations made to political parties or to election campaigns, and political party membership fees, give rise to a tax credit equal to 66 percent of their amount, with a limit of 20 percent of the taxpayer’s taxable income. Proof of the donation or fee must be provided in order to be allowed the credit. A candidate’s contribution to their own campaign does not give rise to a tax deduction.

State Funding:

Direct Funding

Presidential candidates are each entitled to reimbursement from the state, equal to one twentieth of the allowable ceiling for their election campaign. However, for candidates that obtained at least 5 percent of the vote on the first ballot, the reimbursement amount is 50 percent of the allowable ceilings on expenditures. In any case, the amount of reimbursement cannot exceed the actual expenses as shown in the candidate’s campaign accounts. The state pays in advance €153,000 to the candidates when the

official list of candidates is published in the official gazette.

Candidates in an election for the National Assembly who receive at least 5 percent of the vote on the first ballot are also partly reimbursed for their electoral expenses. The amount refunded is 50 percent of the allowable ceiling and cannot exceed the actual expenses as shown in the candidate's campaign accounts.

To benefit from this reimbursement, the campaign accounts of the candidates must first have been approved by the monitoring body, the CNCCFP. The state also will reimburse the candidates for the cost of paper and for the printing of ballots, posters, and election circulars. Justification must be provided for these expenses.

4. Laws and regulations on voter say.

Main Research Findings:

In France, any French person, be they female or male, can vote directly for the candidates they so choose.

There are no unreasonable restrictions on freedom of political speech.

If necessary they can also vote through a proxy, given certain stipulations.

In municipalities with over 20,000 inhabitants, oversight committees are in place to ensure the fairness and regularity of voting.

French citizens have legal protection against defamation and slander.

French citizens have the legal right to respond against print media. Right to respond is limited to slander and defamation based on ethnicity, nationality, race, and religion.

Individual donations capped at 4,600 Euros during election campaigns. 7,500 Euros outside of election campaigns.

Legal entities banned from donating to political candidates and parties.

Public media and broadcasters must be impartial.

Private media and broadcasters must provide equal coverage to political candidates and parties, and electoral information.

The states forbids excessive print media concentration.

3 months prior to an election period, commercial political advertisement are banned.

Candidates for the National Assembly must have support from at least 15 elected members and candidates for the presidency must have support from at least 500 elected members.

Research Excerpts:

Election Code

Article L1

Suffrage is universal and direct.

Article L2

Amended by [Act No. 70-596 of July 9, 1970 - art. 3 Official Journal 10 July 1970](#)

Amended by [Act No. 74-631 of July 5, 1974 - art. 2 Official Journal of 7 July 1974](#)

Are the French and French voters aged eighteen years of age, enjoying their civil and political rights and not being in any case of incapacity under the law.

Article L6

Amended by [Act No. 92-1336 of December 16, 1992 - art. 160](#)

Should not be included on the voters list during the period fixed by the trial, those whom the courts have forbidden the right to vote and election, under laws that allow the ban.

Section 3: Proxy Voting

Amended by [Order No. 2003-1165 of December 8, 2003 - art. 9 Official Journal of December 9, 2003](#)

Can have, at their request, their right to vote by proxy:

a) The voters must solemnly declare that due to professional obligations, due to a disability, for health reasons or because of the assistance to a sick or infirm, it is impossible to be present in their common registration on Election Day or participate in it despite their presence in the town;

b) Voters must solemnly declare that due to training requirements, because they are on vacation or because they live in a town different from where they are registered on the electoral roll, they are not present in their common registration on election day;

c) persons remanded in custody and prisoners serving a sentence not involving disenfranchisement.

Article L72

Amended by [Decree No. 98-733 of August 20, 1998 - art. 30 Official Journal of 22 August 1998](#)

The successful agent must enjoy his election and be registered in the same town as the principal.

Article L73

Amended by [Act No. 88-1262 of December 30, 1988 - art. 14 Official Journal of 4 January 1989 amendment JORF January 14, 1989](#)

Each agent can have more than two proxies, only one based in France.

If these limits are not met, or proxies that have been erected only the former are valid, and the others are null and void.

Article L74

Amended by [Order 2003-1165 2003-12-08 Art. 10 I, II Official Journal of December 9, 2003](#)

Amended by [Order No. 2003-1165 of December 8, 2003 - art. Official Journal of 10 December 9, 2003](#)

The agent or participate in the election as provided in Article L. 62.

It takes a ballot envelope after a finding of a term of proxy voting.

His vote is evidenced by his signature in ink on the voter list to the name of the principal.

Article L75

The client always has the right to terminate its proxy.

It can give a new attorney.

Article L76

Any principal may vote in person if he appears at the polling place before the agent has exercised its powers.

Article L77

In case of death or disenfranchisement of the agent, the proxy is automatically canceled.

Article L78

The various registered mail, notices and notifications sent pursuant to the provisions of this section are made free. The resulting costs are borne by the general budget of the state, which reimburses the

subsidiary budget of Posts and Telecommunications sums which it has advanced.

French Embassy in the UK:

Freedom of speech in the French media

“The free communication of thoughts and opinions is one of the most precious human rights: hence every citizen may speak, write, print with freedom, but shall be responsible for such abuses of this freedom as shall be determined by Law.” Freedom of speech, thus defined by Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen has achieved universal scope worldwide. The article inspired the Universal Declaration of Human Rights adopted by the United Nations on 10 December 1948 (Art. 19) and the European Convention on Human Rights adopted on 4 November 1950 (Art. 10).

Written press

In France, the State guarantees press freedom and safeguards media independence by ensuring the diversity of opinion and pluralism of news and information. The law prevents excessive media concentration by prohibiting any one media group from controlling more than 30% of the daily press. The Act of 29 July 1881 on freedom of the press provides a framework for press freedom by setting restrictions designed to strike a balance between freedom of expression, protection of citizens and maintaining law and order.

In 1984, the Constitutional Council acknowledged the constitutional value of press freedom and its necessary role in a democracy.

PROTECTION OF INDIVIDUALS

The law protects minors from written material and illustrations in which they can be identified. It prohibits licentious and violent publications which target minors.

The law punishes slander and defamation: "Any offensive expression, contemptuous term or invective, not based on fact, constitutes slander. Any allegation or imputation of an act which dishonours or damages the reputation of the person or entity against whom it is made constitutes defamation". (Article 29, Act of 29 July 1881).

MAINTAINING LAW AND ORDER

The law punishes:

incitement to commit crimes or offences
efforts to justify war crimes and crimes against humanity
incitement to discrimination, hatred and violence

The Act of 13 July 1990, known as the "Gayssot Act", introduced a right of reply for any person who considers that a newspaper or periodical has dishonoured him or her on the grounds of his/her membership or non-membership of an ethnic group, nationality, race or religion. The Gayssot Act sets a penalty of a five-year prison sentence and a €45,000 fine for the expression in public of ideas contesting the existence of the crimes against humanity committed by Nazi Germany during World War II defined in the appendix to the London Agreement of 8 August 1945.

PROPER ADMINISTRATION OF JUSTICE

Laws protect the confidentiality of judicial investigations, the presumption of innocence and compliance with judicial decisions.

· During the preliminary stage of a judicial investigation, the law prohibits the publication of:
· images relating to the facts of a crime or offence

information about the identity of the victim of a sexual offence
information likely to put pressure on witnesses
information about police or judicial investigations with implications for national security
judicial decisions before they have been read out in court.

· During court proceedings, the law prohibits: ·
photographing, filming and recording of administrative and judicial court proceedings¹
publishing information relating to in-camera proceedings
publishing court proceedings which include details of an individual's private life
publishing court proceedings relating to military affairs, foreign security and acts of anarchy.

Audiovisual media

Press freedom has also applied to television since the Act of 29 July 1982 on audiovisual communications, which ended the State monopoly on television. The purpose of the various Acts on audiovisual communications is to guarantee media independence and pluralism by establishing rules to combat media concentration (Arts. 17 and 41-4 of the Act of 30 September 1986). Freedom of speech in the audiovisual media must respect human dignity.

Article 1 of the Act of 30 September 1986 (amended) on Freedom of Communication states that “this freedom may be limited only, to the extent required, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, for the protection of children and adolescents, safeguarding of law and order, for national defence, public service reasons (...).”

The legislation includes special measures to protect minors, such as the ban on broadcasting for them pornographic programmes and programmes promoting violence.

The schedules of obligations for public television channels and the agreements signed by privately-owned channels include ethical principles of independence and pluralism similar to those laid down in the legislation.

The Higher Audiovisual Council (<http://www.csa.fr/>), France's independent broadcasting authority, guarantees freedom of communication. It cannot either impose or prevent the broadcast of a programme, but, after this goes out, checks its compliance with the law and rules governing the channels. It pays special attention to programmes for young audiences and to ensuring that equal air time is allocated to political parties and candidates during electoral periods.

The Act of 1 August 2000 on freedom of communication amends and expands the 1986 Act, adding, inter alia, provisions on the introduction of digital terrestrial television and establishment of local television stations.

¹ From her past, France has inherited two types of court. When the State, a local authority or a public service is involved, the administrative courts have jurisdiction, the Conseil d'Etat being the highest one. All other disputes are referred to the ordinary, i.e. civil and criminal courts.

French Ministry of Foreign and European Affairs
Developments in French electoral law

Gender parity

France was the first country to legislate for gender parity in political life. The Act of 6 June 2000 promotes equal access for men and women to electoral mandates and elective offices. It was applied for

the first time in the March 2001 municipal elections. The Act has two main provisions.

The first is to make the principle of gender equality mandatory for all elections based on lists. The principle is applied in two different ways:

either every list is drawn up by alternating male and female candidates (elections to the Senate and European elections); or the lists have to be divided, from top to bottom, into blocks of six candidates of whom three must be women (municipal elections in communes of more than 3,500 inhabitants, regional elections and elections to the territorial assembly of Corsica).

The second provision adjusts the public subsidy paid to political parties to the gap between the number of men and the number of women fielded by each party in parliamentary elections, penalizing parties which do not field enough female candidates.

Elections not affected by either provision of the Act of 6 June 2000 are uninominal ballots, municipal elections in communes with fewer than 3,500 inhabitants, cantonal elections and elections to the senate in departments which have one or two senators.

Concurrent holding of more than one electoral mandate

Here we have the second major development in French electoral law, one designed to ensure that elected representatives are able to devote themselves fully to their duties. The three main pieces of legislation are: the two Acts of 2000, Act No. 2000-294 relating to incompatibilities between electoral mandates and Act No. 2000-295 relating to limitations on the concurrent holding of electoral mandates and elective offices, and, finally,

Act No. 2003-327 of April 2003 on the election of regional councillors and MEPs. The main incompatibilities concern:

concurrent holding of the mandate of deputy and senator (art. 137),
concurrent holding of the mandate of senator or deputy and being an MEP (art. L.O. 137-1); concurrent holding of a national mandate with the exercise of more than one of the following local mandates: member of a regional council, of the Corsican Assembly, a general council, the Paris council or the municipal council of a commune with fewer than 3,500 inhabitants (Art. L.O. 141); concurrent holding of more than two of the following local mandates: member of a regional council, of the Corsican Assembly, a general council or the Paris council;
concurrent holding of local executive offices such as chairman of a regional council, chairman of a general council and mayor.

Act No. 2003-327 of 11 April 2003 authorizes the concurrent holding of the mandate of MEP and exercise of one of the following local executive offices: chairman of a regional council, chairman of a general council or mayor.

The terms and conditions for removing the incompatibilities vary according to the mandates. Deputies and senators are allowed to choose which mandate to resign from, or if no choice is made, their most recent mandate is terminated. Local councillors and MEPs are obliged to relinquish the longest-standing mandates.

Information Sources:

Act of 29 July 1881 on freedom of the press

Act 82-652 of 29 July 1982 on audiovisual communications

Act 2000-719 of 1 August 2000 on media freedom

Bill on surveys to better ensure the fairness of political debates and electoral. February 21, 2011

Declaration of the Rights of Man and of the Citizen of 1789

French Constitution of 1958

French Embassy in the United Kingdom

French Election Code

Freedom of Communication Act No. 86-1067 of 30 September 1986

French Ministry of Foreign and European Affairs

Law no. 88-227, of March 11, 1988 on financial transparency in political life.

Organic Law 90-55 of January 15, 1990, relating to limits on election expenditures and the reporting of political funding activities

The Directorate of Legal and Administrative Information

The Law Library of Congress: Campaign Finance, France.