Prohibition of outdoor political campaign advertising

Law No. 9504 of September 30th, 1997, which lays down rules for the elections in Brazil, regulates electoral advertising in four chapters (articles 36 to 57-I): (I) General Electoral Advertising; (II) Electoral Advertising in Billboards (outdoor signs), (III) Electoral Advertising in the Press, and (iv) Electoral Advertising on Radio and Television.

The first chapter regulates the periods for electoral advertising, the conditions for the use of public and private spaces, and penalties. In case of use of public domain or public property, a specific authorization of the Government is necessary, under penalty from R$ 2,000.00 (two thousand reais) to R$ 8,000.00 (eight thousand reais) (article 37).

The second chapter was broadly discussed by the Brazilian society. Law No. 11,300 of May 10th, 2006, repealed Art. 42 of Law No. 9504 of 1997, prohibiting and providing penalty for election advertising on billboards (art. 39, paragraph 8).

The electoral advertising in the press is regulated by the third chapter, which determines the maximum size of the advertisement, limits the frequency of publication of the political advertisement and requires demonstration of the amount spent by the candidate for the notice (article 43).

The fourth chapter regulates electoral advertising on radio and television, freely and proportionally to the number of seats held by the political party (article 47, paragraph 2).

The periods in which electoral advertising is admitted are disciplined in the article 36, paragraphs 1 and 2, and articles 47 and 57-A:

Article 36. Electoral advertising is allowed only after the July 5th of the election’s year.
Paragraph 1. To the precandidates for elective offices, it is allowed, in the fortnight prior to the choice of the political party, to make intraparty propaganda for the indication of his name, denied the use of radio, television and billboards.
Paragraph 2. In the second half of the election’s year, the party propaganda charge provided by law will not be conveyed nor be allowed any paid political advertising on radio and television.
(…)
Article 47. Radio and television stations and pay-TV channels mentioned in art. 57 must book, within forty-five days prior to two days before the election, time for dissemination, in network, of free electoral advertising, as prescribed in this article.
(…)
Article 57-A. It is permitted to electoral advertising on the Internet, in accordance with this Law, after the 5th of July of the election year.

Thus, the electoral advertising is prohibited in the first half of the election’s year, starting on July 5th in the press and the Internet. The spreading on radio and television begins 45 days prior to two days before the day of election. The disclosure in journals is allowed until two days before the election (Article 43, caput), and the realization of marches and distributing of pamphlets, until its eve (article 39, paragraph 9).

The disrespect to time limitations subjects the violators to penalties of the law. Disclosure of any kind of political party or election on the election’s day is a crime (article 39, paragraph 5, III).

In conclusion, the Brazilian law does not prohibit the electoral advertising outdoors, but prohibits the use of billboards.

There were no precedents for such rules in Brazil.