

<p style="text-align: center;">GUIDELINES IN RESPECT OF COVERAGE OF</p> <p style="text-align: center;">THE GENERAL ELECTION 2007</p>
--

1. **General**

These guidelines, issued further to Section 9 of the Radio and Television Act, 1988 (“the 1988 Act”) and Section 18 of the Broadcasting Act, 2001 (“the 2001 Act”), are intended to outline the approach that should be adopted by broadcasters in their coverage of the 2007 General Election. The guidelines apply to coverage of the General Election carried on any service licensed further to the provisions of the 1988 Act or the 2001 Act.

Since the election is an important public event, it clearly falls within the area of news and current affairs programming. Stations covering the 2007 General Election are therefore encouraged, in their own interest and in the interests of the public to provide full, impartial and independent coverage of election events and issues.

Stations choosing to provide coverage of the election must develop mechanisms that are open, transparent and fair to all interested parties. These mechanisms should be considered and developed at an early stage and information on the approach being adopted should be available to all interested parties in advance.

2. **Responsibilities of Broadcasting Personnel**

The Chief Executive and Programme Controller (or equivalent) in each station should become fully familiar with the content of these guidelines and should ensure that they are brought to the notice of every person responsible for the preparation and broadcast of programmes, in particular those with responsibility for news and current affairs programming.

The Programme Controller (or equivalent) should take direct responsibility for ensuring that there is fairness and balance in the coverage of the elections and that these guidelines are complied with fully by all personnel.

3. Statutory Requirements

Attention is directed to the following requirements set out for broadcasters in Sections 9, 10(3) and 18(1) of the 1988 Act and Section 18 of the 2001 Act.

1988 ACT

Section 9(1)

"Every sound broadcasting contractor shall ensure that:-

- a) all news broadcast by him is reported and presented in an objective and impartial manner and without any expression of his own views;
- b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his own views: provided that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other."

Section 9(2)

"Nothing in subsection (1) (a) or (1) (b) above shall prevent a sound broadcasting contractor from transmitting political party broadcasts: providing that a sound broadcasting contractor shall not, in the allocation of time for such broadcasts, give an unfair preference to any political party."

Section 10(3)

"No advertisement shall be broadcast which is directed towards any ... political end".

Section 18(1)

"The provisions of Part III of this Act, other than sections 7, 8 and 15....shall apply with respect to the television programme service contract entered into by the Commission and the television programme service provided under this Part of the Act [TV3], and any reference in Part III of this Act to a sound broadcasting contractor shall for the purposes of this Part be construed as a reference to the television programme service contractor."

2001 ACT

Section 18

“The following provisions of the Act of 1988, namely –

a) Paragraphs (a), (b)... of subsection (1), and subsection (2), of section 9, and

b) Section 10(3)

Shall apply to a broadcasting service which consists of a compilation of programme material supplied pursuant to a contract entered into under this Act...”

4. General Requirements

Stations should ensure fairness and balance in the exposure given to all candidates, electoral interests and political parties in the various elements of their programming. This includes participation by, and references to, candidates, electoral interests and political parties in any element of a programme. Endorsement of candidates, electoral interests, political parties and/or the policies of any of the aforementioned by programme presenters or stations is not permitted.

5. News Coverage

All news coverage should be objective and impartial, be fair to all interests concerned and avoid any expression of the station’s own views.

Care should be taken to balance the exposure given to the non-political activities of candidates, electoral interests or political parties (such as attendance at functions, sporting events etc.) which may be covered in news or general programmes.

6. Current Affairs Programmes

All candidates, electoral interests and political parties should receive equal treatment on such programmes.

If it is intended to focus on candidates or political parties in such programmes, all candidates/parties must be invited, with reasonable notice, to be represented either in the same programme or in a series of programmes.

If it is intended to focus on electoral interests in such programmes, all electoral interests must be invited, with reasonable notice, to be represented either in the same programme or in a series of programmes.

Broadcasters shall monitor the subsequent use of extracts from such programmes on other programmes to ensure continued fairness and balance, and overall fairness and balance, in the treatment of the views of the candidates and/or electoral interest and/or political parties.

In the case of programmes, which include an element of audience participation, the Programme Controller (or equivalent) should ensure that there is a reasonable degree of fairness and balance in the views broadcast and any questions/comments raised.

7. Advertising

Section 10 (3) of the 1988 Act and Section 18(b) of the 2001 Act prohibits services licensed further to the provisions of both acts from broadcasting advertisements directed towards a 'political end'.

Therefore, advertising for and on behalf of candidates, electoral interests or political parties is strictly prohibited. It should be noted that this restriction also applies in respect of advertising for events, notices regarding meetings, political clinics, etc.

Care should be taken to ensure that advertising is free of material that could be interpreted as favouring or giving undue exposure to a particular candidate or electoral interest or political party, or which might be reasonably considered as being directed towards a political end.

8. Election Broadcasts

There is no obligation on broadcasting contractors to transmit election broadcasts.

If a station decides to transmit election broadcasts, of any kind, all relevant candidates, electoral interests, political parties should be given an opportunity to participate and should be given adequate notice to this effect.

To ensure that an election broadcast does not rank as an advertisement (which is prohibited by Section 10(3) of the 1988 Act and Section 18 (b) of the 2001 Act), a station *may not charge* for such broadcasts. Any form of charges, *including charges for production*, shall constitute a breach of Section 10(3) and Section 18 (b) of the aforementioned acts.

Election broadcasts should be transmitted at times that are aimed at achieving a similar audience for all such broadcasts. When deciding the order in which election broadcasts will be transmitted, stations should, in the absence of agreement, draw lots to decide the order. Similar broadcast treatment should be provided for all election broadcasts, both at their introduction and at their conclusion.

9. Coverage Restrictions during the Final 24 Hours and on Polling Day

A moratorium on election coverage will operate in the final 24 hours **before** polling commences **and** while polling is underway. In this context, polling commences at the time the polling stations open. This provision has two objectives which are as follows: -

1. The moratorium is an additional mechanism to ensure that *fairness and balance* are achieved by the broadcast media during this critical period in the polling process. The linear nature of radio and television programming, and the fact that balance cannot always be achieved in a single broadcast, are factors in this regard.
2. Allowing voters *a period for reflection* in the final stages of a campaign.

During the moratorium period, stations should ensure that broadcast output does not include any material which relates to election candidates including their activities/policies or material which relates to the activities/policies of any political party. This includes comments or statements by candidates or political parties and comments or statements by programme contributors about the activities or policies of candidates and political parties.

The Commission acknowledges the difficulties involved for programme makers in striking a balance between the requirement to keep the public informed over this period and ensuring that programming does not breach the moratorium. Previous experience has highlighted the difficulties involved in providing guidance to broadcasters in the absence of relevant information. For this reason, the Commission will only provide guidance when requests of this nature are accompanied by a copy of proposed broadcast copy.

When considering this issue, editorial staff may wish to note the following points:-

- Coverage of news items such as opening hours of polling stations, electorate turn-out etc. is permissible.
- Particular care should be taken around the opinions expressed by any programme contributors, during the period covered by the moratorium.
- The moratorium extends to all areas of programming including newspaper reviews, information announcements etc.

NOTE: These guidelines refer to the 2007 General Election campaign only and come into effect from the date the election is called. They are not intended to set a precedent for other elections. The Commission reserves the right to amend these guidelines if it deems it necessary or prudent to do so.