



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

**National and Provincial Elections
coverage on
Television and Radio**

MARCH 2019



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ICASA's Role in National and Provincial Elections



- ❑ Sec 2 of the Electronic Communications Act (“ECA”) outlines the scope of ICASA’s duties.
- ❑ Sec 2 (g): promote an environment of open, fair and non-discriminatory access to broadcasting services ...;



- ❑ Sec 2 (s); ensure that broadcasting services, viewed collectively-
 - ❑ Promote the provision and development of a diverse range of sound and TV broadcasting services on a national, regional and local level, cater for all language and cultural groups and provide entertainment and information.
 - ❑ Provide for regular-news services, programmes on political issues of public interest and programmes on matters of international, national, regional and local significance.



ICASA's Role in the National and provincial Elections...



- ❑ Elections are an important public event, which falls within the area of news and current affairs shows.
- ❑ Section 56 - 59 of the ECA further outlines how election broadcasts should be handled by broadcasters, political parties and ICASA.
- ❑ ICASA prescribe regulations for the National and Provincial elections.
- ❑ Public consultation process through workshops on the draft regulations.



ICASA's Role in National and Provincial Elections...



- ❑ Other related legislations: The Constitution Act No.108 of 1996, Electoral Act No.73 of 1998, ICASA Act No.13 of 2000 and the Broadcasting Act No.4 of 1999.
- ❑ All election broadcast materials should comply with all related legislation and regulations.
- ❑ ICASA ensures that the public is empowered through provision of sufficient information that will assist them to make the right choice.

Purpose: Elections Regulations

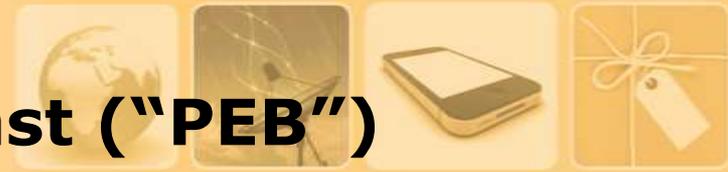


- ❑ To regulate the broadcasting of party election broadcasts on (public) broadcasting services:
- ❑ Determine and prescribe the framework and guidelines under which party political broadcasts will be conducted and carried by various BSLs during the elections.
- ❑ Ensure equitable treatment of political parties by BSLs during election period



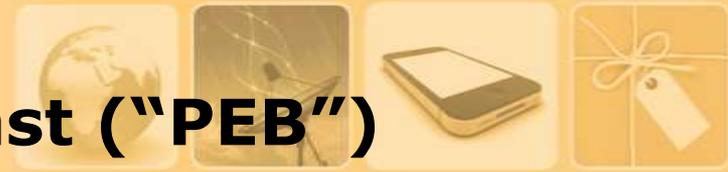
- ❑ **Party election broadcast (PEB)** means a direct address or message broadcast **free of charge** on a broadcasting service and which is intended to advance the interests of any particular political party (Sec 1 of ECA)

- ❑ **Political advertisement (PA)** means an advertisement broadcast on a broadcasting service which is intended to advance the interests of any particular political party in **exchange for money** (Sec 1 of ECA)

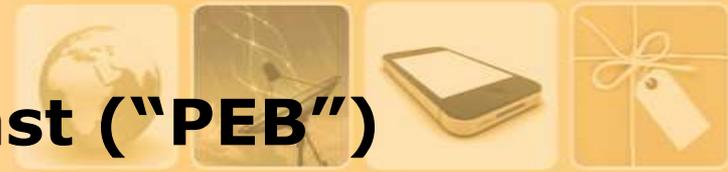


- PEBs offer each party contesting the elections an opportunity to reach a large audience, to send out the message of the party’s programme and the party’s bid for support.

- The ECA requires the Public Broadcasting Service Licensee (PBS) to permit PEBs during the election broadcast period (sec 57(1) of the ECA).

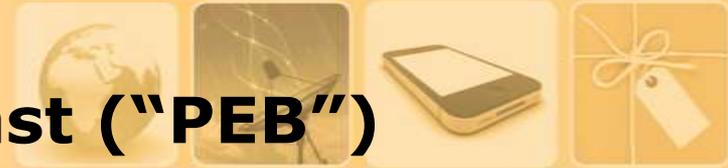


- ❑ The ECA requires ICASA to take into account the financial and programming implications for the BSLs in question in determining whether PEBs should be broadcast on radio and TV
- ❑ Content broadcast as PEB cannot be broadcast as PA
- ❑ Commercial and community broadcasters intending to broadcast must inform the Authority within 30 days of the publication of this regulations
- ❑ A BSL, to whom a PEB has been submitted by a party for broadcast, must not in any way edit or alter the content of the PEB

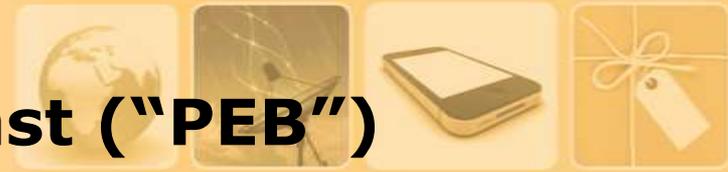


□ A BSL that broadcasts PEB must:

- Make available, every day, throughout the election broadcast period, **ten time-slots not exceeding 50 seconds each**;
- Do so in accordance with the sequence and timing prescribed by the Authority in terms of these regulations since it is only ICASA that allocates PEB slots to all contesting political parties.
- A BSL that is obliged, or intends to broadcast PEB must ensure that the PEB conforms to a technical quality acceptable to the Authority

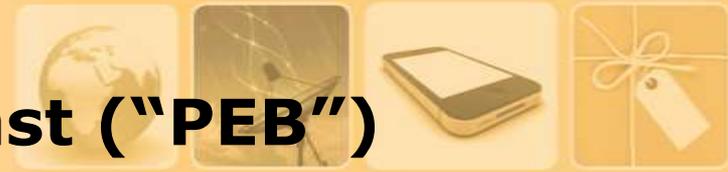


- ❑ A BSL that rejects a PEB submitted to it by a party for broadcast must within twenty four (24) hours of such submission;
 - furnish the party concerned with written reasons for the rejection; and
 - the party concerned may alter or edit the PEB and re-submit it to the BSL concerned within 48 hours prior to it being broadcast



- ❑ A party that seeks to broadcast a PEB must submit the same to the BSL at least five (5) working days prior to the broadcast thereof.
- ❑ A party whose PEB has been rejected and has no intention of altering or editing the PEB, may refer the matter to the Authority within forty eight (48) hours of being informed in writing of the rejection.
- ❑ The Authority to address the matter in accordance with regulation 6 of the CCC Regulations

Party election broadcast (“PEB”)



- ❑ A BSL must not transmit a PEB immediately before or after another PEB or PA.
- ❑ PEB air-time allocated to but not used by a party shall be forfeited by the party concerned.
- ❑ In the event that a party elects to forfeit its allocated PEB air-time, then such air-time must not be allocated to another party but must be used by the BSL concerned for the purpose of broadcasting its normal programming or material.
- ❑ A BSL or party must not permit or engage in any interference with, or trade-offs in the sequence or scheduling of PEB(s).



Factors considered before allocating time for PEBs

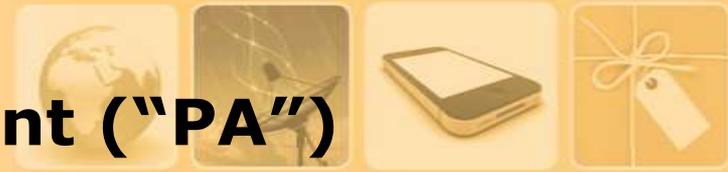


- ❑ ICASA will consider the following factors before allocating PEB slots:
 - The right for all political parties to be heard by potential voters
 - Number of seats parties are contesting
 - Number of seats currently held

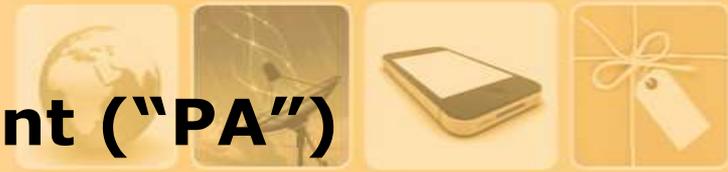


- ❑ Equitable treatment of all political parties on news and current affairs
- ❑ PEBs can be allocated only once registration of political parties has been closed.
- ❑ Sec 57(4) of the ECA:
 - “In making any determination in terms of subsection (2), the Authority may impose such conditions on a public broadcasting service licensee with respect to party election broadcasts as it considers necessary, having due regard to the fundamental principle that all political parties are to be treated equitably.”

Political Advertisement ("PA")



- ❑ No BSL may discriminate against any political party, when making advertising time available
- ❑ No BSL may make or give any preference to any political party or subject a political party to any prejudice (sec 58 (3) of the ECA)
- ❑ Content broadcasted as PA cannot be broadcast as PEB.
- ❑ PA must only be broadcast during the election period and no later than forty eight (48) hours before polling commences.



- ❑ Where the BSL has rejected a PA and the party concerned has confirmed in writing to the BSL that it will not be re-submitting the advertisement, then the BSL must;
 - within twenty four (24) hours notify the Authority in writing of such rejection; and
 - also furnish to the Authority written reasons for the rejection.

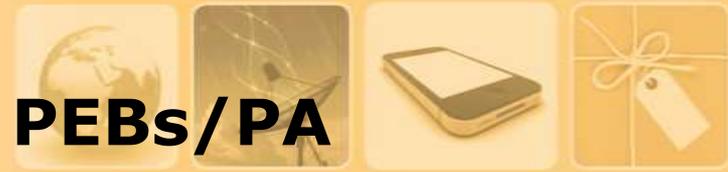


PEB

1. Free of charge
2. SABC has an obligation to transmit PEBs while Community and Commercial broadcasters can elect to transmit PEBs.
3. ICASA to provide duration and sequencing of PEBs
4. Broadcast during election broadcast period no later than forty eight (48) hours before polling commences.

PA

1. Paid Fee Applicable
2. All BSLs can elect to broadcast PAs.
3. ICASA does not provide duration and sequencing of PAs (Transaction between the BSL and the political party)
4. Broadcast during election period and no later than forty eight (48) hours before polling commences.



- ❑ PEB or PA is inconsistent with the Regulations and/or all related legislation.

- ❑ PEB and PA not compliant with the broadcaster's reasonable technical standards.

- ❑ Late submission of the election broadcasts. ICASA prescribe the time period within which PEBs should be submitted to the broadcasters.



- Notify ICASA of intention to broadcast PAs and/or PEBs

- Ensure the PAs and PEBs are easily identifiable by the listeners or audiences.

- Submit name of representative who will deal with all election broadcast matters.

Role of BSLs



- ❑ Ensure that news, current affairs shows and special election programmes are impartial and objective.
- ❑ Timeously respond to complaints leveled against them.
- ❑ The SABC/Public Broadcaster has an obligation to inform the electorate of the election results, as they become available.



- Pre-record the PEB and PA material as this is not the duty of the BSL.

- Submit PAs and PEBs at least 5 working days prior broadcast time.

- Ensure that its PAs and PEBs doesn't contravene the Constitution, ECA, Broadcasting Act and all related legislation.



- ❑ Ensure that their material does not provoke any unlawful, illegal or criminal act or be perceived as condoning or lending support to any such act.

- ❑ Submit name of representative who will deal with all election broadcast matters.

- ❑ Timeously respond to complaints leveled against them.



- ❑ In the event of any person being aggrieved by any PA or PEB such person may lodge a complaint with the Authority within forty eight (48) hours after such broadcast has occurred.
- ❑ Every BSL and party must:
 - Nominate a person who must be the representative of that BSL or party in respect of all matters regulated by, or arising from, these Regulations;
 - Within 30 days of the publication of these regulations notify the Authority in writing of two names, physical and postal address, telephone number and, where available, cellular phone number and e-mail address of the nominated person.



- ❑ BSLs role during elections does not differ from their normal journalistic role during non-election periods. Normal ethical considerations will continue to apply.
- ❑ A distinguishing feature of the election period is the obligation to achieve equitable coverage of political parties without abdicating news value judgements
- ❑ BSLs are encouraged, in the public interest, to provide a full, impartial, and independent coverage of the elections.
- ❑ The Authority does not intervene in the news and programming operations of the broadcasters.



- ❑ BSLs must afford reasonable opportunities for the discussion of conflicting views and must treat all political parties equitably.
- ❑ BSLs must ensure that the political parties are given a reasonable opportunity to respond to criticism in the same programme, or to do so as soon as reasonably practicable thereafter.
- ❑ The Authority advises BSLs to take special care during the final 48 hours prior to Election Day. There will be limited time for BSLs to ensure that political parties' right of reply is honoured during this period.



- ❑ Equitable treatment means fair treatment.

- ❑ Equitable treatment is unlikely to be achieved in a single programme but can be achieved in a series of programmes. Each BSL should be consistent in its treatment of contesting parties and of conflicting views.

- ❑ BSLs should recognise their obligation to the electorate to provide a full and accurate record of events and developments.



- ❑ All news coverage should be fair to all interests concerned

- ❑ Care should be taken to balance the exposure given to the non-political activities of candidates (such as attendance at functions, sporting events etc)

- ❑ If the programme intends to feature party representatives, parties contesting the elections must be invited, with reasonable notice, to participate either in the same programme or in a series of programmes



- ❑ During the election period, BSLs must recognise that government officials are in a position to use their incumbency to advance their electoral prospects.

- ❑ BSLs should regard with particular caution any statement or action by an official of an incumbent party

- ❑ BSLs need to ensure that, during the election period, they do not afford the policies of incumbent parties' greater legitimacy than they would afford those policies or actions if the party was not in government.



- ❑ Non-participating political parties and organisations affiliated to alliances should not be excluded from debates and news bulletins.
- ❑ However, they should not be included with such frequency that they distort the general principle of equity between registered, contesting parties.



❑ New/improved:-

- ❑ 10 times slots – 50 seconds each
- ❑ A PEB must not exceed 50 seconds in duration
- ❑ A broadcasting service licensee that broadcasts PA must ensure that all PA broadcasts are:
 - ❑ clearly identified through a top and tail disclaimer; and
 - ❑ are announced in a similar manner.
- ❑ Technical standards and quality

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THANK YOU