

الهيئة الوطنية الخاصة بقانون الانتخابات النيابية The National Commission on Electoral Law

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Rules on Media Representation of Political Subjects during the Election Period

Pursuant to the Article 16.2 of the Election Law of **Bosnia and Herzegovina** (Official Gazette of Bosnia and Herzegovina, No. 23/01), the Election Commission of Bosnia and Herzegovina on its session, held on 21 June 2002, adopts

Rules on media representation of political subjects during the election period

Article 1 Introduction

These Rules shall determine the rules of broadcast media behavior in the election period, the time and manner of political representation of political parties, coalitions and lists of independent candidates, the time and duration of electoral messages broadcasting and geographical areas covered by broadcast.

Article 2 Definitions

For the purpose of interpretation and implementation of these Rules, definitions and abbreviations in these Rules have the following meaning:

?Election period? is the period of sixty (60) days prior to the day of elections.

?CRA? is Communications Regulatory Agency.

?CRA Rules? are CRA Code for arrangement of radio and TV program as well as any other rule that was or is made by CRA, and which regulates the issue of RTV program broadcasting.

"Political advertising " is any broadcasting or advertising, which represents political subject.

?Political subject? is political party, coalition or an independent candidate accepted by the Election Commission as registered for elections in BiH. Political parties within a coalition are considered one political subject;

"Political advertisement " is any political advertisement or addressing of political subject itself or on its behalf, with direct communication with public.

?Political video clip? is a short, earlier recorded political advertisement that provides political subject with direct communication with public, with its words and/or visual image.

"Public broadcasting media " is each media defined as public in accordance with the CRA Rule 01/1999 of the Definitions and obligations of public broadcasting.

?Commercial broadcast media? is media each media that does not use any resources donated from public funds in its financing.

?Public funds? are any type of operational support financed from public resources, regardless of method of collection and distribution of these resources. Operational support includes money, preferential loans, equipment, salaries and/or working hours, as well as any other kind of support to which commercial value could be applied. All equipment and other devices or objects need to be assessed in regard to the full commercial value.

Article 3 General Provisions

All broadcast media, public and commercial, are obliged to ensure the covering of pre-election activities of political subjects in accordance with these Rules.

The BiH Election Commission may, upon CRA recommendation, exclude from that obligation commercial media which do not broadcast political programs. Such media must address CRA with an explanation request not older than fifteen (15) days prior to begin of the election period. The BiH Election Commission makes a decision on exception of a commercial broadcast media within seven (7) days from the day of request submission.

Regardless of above mentioned, all broadcast media are obliged to broadcast announcements and information of the Election Commission of Bosnia and Herzegovina free of remuneration, in order to inform voters on all aspects of the election process in accordance with these Rules.

Broadcasting media, subject to obligation of broadcasting the election program (hereinafter: media) in BiH are obliged to ensure that information published in the election period is correct, complete, honest, fair and impartial. Media shall not get involved in distortion, covering, falsification, misrepresentation and censorship, including systematic omission of information that would influence the way of how shall public understand certain subject or an event. Media shall not use any material

that, in its content or tone, carry clear and immediate danger of stimulation of ethnical or religious hate among the communities in BiH, or other type of disorder that would obstruct the election process.

Article 4 Paid political advertising

Any paid political advertising in broadcasting media, in terms of definition given in the Article 1 of these Rules is prohibited.

Article 5 Period of election silence

In the entire Bosnia and Herzegovina, during the period of twenty-four (24) hours before the opening of Polling stations, there shall be no media covering of any political activity. The period of election silence lasts until the closing of Polling stations.

During the period of seventy two (72) hours before opening of Polling stations until the end of voting, media shall not publish results of public opinion surveys in regard to voting and elections.

Article 6 Equitable and Fair Representation

Media are obliged to represent political parties, coalitions, list of independent candidates and independent candidate equitable and fair, and inform public on issues in regard to campaign and election process.

?Equitable? representation means fair coverage of pre-elections activities of all political parties and impartial approach to all political subjects during the election period.

Media may broadcast political video clips and other political programs before the election period, in accordance with the CRA rules. Media shall, at all times, abide by the CRA Code for program-broadcasting regarding program standards, as well as request in regard to right to respond.

During the sixty (60) days prior to Election Day, media shall provide equitable representation of all political parties, coalitions and candidates, including parallel covering of information valuable events and equitable presentation with other means. Media shall broadcast political discussions of standardised content that give the image of impartiality.

During the election period, information on regular activities of political parties shall be presented on the News broadcast only if such activities are of great significance for the wider public. Information on regular state activities or activities of government authorities shall not be used for promotion of any political subject.

Article 7 Direct addressing

In accordance with these Rules, all public broadcast media shall provide free broadcast time to political subjects for direct addressing, during the period of thirty (30) days prior to Election Day.

For media that cover the territory of the State of BiH or Entities, direct addressing by one political subject that stands as a candidate for elections at the state and/or entity level, may be repeated three times at most, and broadcast for a duration not shorter than five (5) and not longer than ten (10) minutes.

For other media, direct addressing by one political subject that stands as a candidate at the cantonal and/or municipal level, may be repeated two times at most, and broadcast for duration not shorter than three (3) and not longer than five (5) minutes.

If a political subject that stands as a candidate at municipal or cantonal level directly addresses the media, covering the territory of the State or entities, the duration of such addressing may be repeated two times and cannot be longer than five (5) minutes.

The media shall determine the length of broadcast time for direct addressing pursuant to previous praxis, the number of political subjects and other relevant circumstances.

Broadcast period for direct addressing must be scheduled in the period when it is most probable that it will be available to the biggest part of public.

The same time for direct addressing must be provided for all political parties, coalitions, lists of independent candidates and independent candidates.

The media shall determine the schedule of direct addressing by lottery. Political subjects shall be informed on the date and the place of determining the schedule and may attend.

Article 8 Political advertising

Media shall provide free broadcast time for political advertisements during the election period. Political advertisements shall be broadcasted during the entire election period, at the time when it is most probable it will reach the widest range of public.

During the elections at the state level, equitable period of broadcast time in program must be provided for political advertisements of all political subjects registered for elections.

For elections at lower levels, each radio and/or TV station that broadcasts political programs must ensure equitable access for all political subjects registered in constituency covered by the signal of those radio/TV stations.

Signal coverage of radio/TV stations is given in the Annex III of these Rules, and determined on the basis of technical information included in temporary broadcast licenses, as well as on the basis of technical information in long-term broadcast licenses issued by CRA so far.

Article 9 Political video clips

Each political subject must submit request to broadcast its political video clip by each identified media outlet and must provide copies of the video clip for broadcast. In each political video clip it shall be indicated that it is a political video clip and it shall be also clearly indicated which political subject is responsible for it.

Political video clip shall not be broadcasted immediately before, during or after the news.

Each political video clip shall last at most sixty (60) seconds. Broadcast media cannot shorten political video clips, except in cases they exceed the permitted duration. Broadcast media must not in any way change political video clips, nor add its opinions, evaluations and explanations of political

video clips.

Political video clips may be repeated during the election period, but the maximum time must not exceed fourteen (14) hours by each media providing the time in program for all political subjects during the election period. Duration time of political advertising by video clips within one hour must not exceed four (4) minutes. Each political subject can have at most seven (7) minutes of political video clips by broadcast media every two weeks during the election period.

Political video clips shall be broadcasted in accordance with the program schedule, in such way that they do not influence the general program dynamics, nor decrease the interest of viewers for elections.

Media alone shall impartially determine the schedule and time when political video clips shall be broadcast, possibly by the principle of lottery. Media shall have clear rules on how to decide upon schedule and time of political video clips broadcast. These rules shall be available to public upon request.

If political subjects do not have the possibility to organize the production of its political video clips alone, they may ask for such services from media. Such production services can be charged by media. Expenses paid in such case must be equal for all political subjects at the same level of services. However, if political video clips are produced without remuneration for one political subject, then they have to be produced without remuneration for all political subjects, who request it.

Article 10 Equitable approach to political debates and discussions

Media are obliged to provide, during the election period, direct access of political subject in programming, intended for balanced and comprehensive informing of voters. Such political programs may consist of round tables, public debates with the involvement of public audience or any other type of program that includes political debates between political subjects.

The equitable possibility of participation must be given to all political subjects. Studio audience and participants in contact shows shall not be directed by the program hosts in the choice of questions and interventions. Program hosts shall maintain impartial positions and improve neutral and democratic atmosphere.

Political subjects shall not pay fee for participation in programs described in this Article, nor shall they be paid for such participation.

If possible in any way, invitations for participation in such programs or other similar events organized by media shall be sent to a political subject, seven (7) days in advance. In any case, an invitation must be sent at least two days before scheduled broadcasting.

Political debates and discussions must be organized at such a time when it is most probable to reach the widest range of public. Political debates and discussions cannot last longer than ninety (90) minutes per show and cannot be broadcasted less than three (3) or more than five (5) times per week. Exceptionally, public broadcast services in BiH may broadcast such programs seven (7) times per week during twenty-one (21) days prior to the Election Day.

Article 11 Implementation

Media shall send, at least seven days in advance, the schedule of planned political programs to CRA. All changes of the planned programs or political shows scheduled in a short deadline shall be reported to CRA as soon as possible.

Media shall keep detailed records on the time schedule of broadcasting of political video clips, the time schedule and content of political programs, as well as covering of political events, and shall give such records for public scrutiny. Such records shall be sent to CRA each Monday for the previous week. CRA may request from the media a summary report on political video clips and political programs at any time, as well as report on the time given to each political subject.

Article 12 Sanctions

In accordance with Article 16.7 of the Election Law, Communications Regulatory Agency shall apply, as the body authorized for monitoring the work of broadcast media, its Procedure for conducting the cases in each event of failure to comply with provisions of the Chapter 16 of the Election Law and provisions of these Rules.

Election Complaints and Appeals Council

In accordance with Article 16.7 of the Election Law, the authorised body for monitoring the work of media can forward a case to the Election Complaints and Appeals Council, in case of a violation of provisions of the Chapter 16. The Election Complaints and Appeals Council, in accordance with the Article 6.6 of the Election Law, has the first instance authority for decision making upon violations of provisions of the Chapter 16 of the Law.

Article 13 Final Provisions

These Rules shall apply to broadcast media in BiH in regard to elections at municipal, cantonal, entity or state level.

These Rules shall apply only during the period from sixty (60) days prior to the Election Day, as well as on the Election Day.

Article 14 Enter into force

These Rules shall enter into force on the day of its adoption and it shall be published in ?the Official Gazette of BiH?, official gazettes of entities and ?the Official Gazette of the Brcko District?.

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