



Coimisiún
na Meán

Guidelines in Respect of Coverage of Elections

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1. Introduction

These Guidelines set out for broadcasters¹ guidance and requirements with respect to coverage of General, Presidential, Seanad, Local and European Elections. These are in addition to the general requirements included in the *Code of Fairness, Objectivity and Impartiality in News and Current Affairs*.²

The Guidelines have been developed further to rule 27 of the *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* and should be read in conjunction with that Code.

2. Scope & Jurisdiction

The Guidelines apply to broadcasters within the jurisdiction of the Republic of Ireland and shall not apply to other services commonly received in this State but licensed in other jurisdictions. Coimisiún na Meán encourages broadcasters outside of the jurisdiction, whose services are receivable in the Republic of Ireland and who cover Irish news and current affairs, to be mindful of the Guidelines, where appropriate, when deciding on their approach to coverage of elections.

The Guidelines do not apply to print, social media, audiovisual on-demand media services or online print/audiovisual content.

The Guidelines apply only in the case of broadcast content that makes reference to an election e.g. news and current affairs content or other content, for example a light entertainment programme covering the topic or an advertisement making reference to an election.

3. Effective Date

The effective date for the Guidelines will be published by Coimisiún na Meán in advance of each election to be held. The Guidelines will remain in effect until the closing of polling stations on the day of the poll.

¹ For the avoidance of doubt, the term 'broadcaster' does not refer to individual presenters or programme staff but rather to the company, co-operative etc., that owns and operates the broadcast service. This should not be taken to mean that individual presenters or programme staff are exempt from the obligations of these Guidelines.

² Rule 27 of the Code requires broadcasters to comply with guidelines developed by the regulator with respect to coverage of elections or referendums. The Code may be accessed here: - <https://www.bai.ie/en/download/129469/>.



4. Achieving Fairness, Objectivity and Impartiality

Broadcasters play an important and valuable role in the manner in which information about elections is communicated to, and discussed by, the Irish public. This is achieved via accurate, fair, objective and impartial coverage.

For this reason, broadcasters are advised to cover elections in as comprehensive a manner as possible having due regard to the resources available to them, the target audience for the service and the types of programming that the broadcaster provides to the audience.

Broadcasters should note that fairness, objectivity and impartiality can be achieved by a variety of means, for example, through the selection of contributors, the scope of the debate, the structure of the programme, the presenter's handling of the topic, the make-up of audiences participating in programming or through other suitable means.

4.1 Responsibility for Editorial Approach

It is appropriate that decisions in respect of editorial coverage of an election rest solely with broadcasters. Broadcasters should note that elections are dynamic events, and they should give active consideration to their approach to coverage over the duration of the election campaign period and amend this approach if they consider it necessary and appropriate so as to ensure fairness, objectivity and impartiality.

The *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* and guidance notes for this Code set out in detail how fairness, objectivity and impartiality can and should be achieved. Broadcasters should ensure that all staff are familiar with this Code and these Guidelines.

4.2 Allocation of Airtime – Election candidates and Political Parties

Fair allocation of airtime during election coverage is essential. This includes airtime afforded through normal editorial coverage of an election, "Leaders' Debates",³ debates between candidates, or party political programmes.⁴

³ The decision on which leaders are represented in any broadcast debates is an editorial matter for broadcasters in consultation with the political parties taking part.

⁴ Formerly known as Party Political Broadcasts.



While a strict equal allocation of airtime for candidates and political parties is not precluded and may be appropriate in certain situations, such an approach to the allocation of airtime is not an automatic absolute requirement and a proportional approach to airtime allocation may also be adopted, where appropriate.

In the allocation of airtime, where a proportional approach is to be taken to such allocation, Coimisiún na Meán considers that a broadcaster may reasonably have regard to relevant contextual factors.

These factors could, for example, include but are not limited to: -

- current elected representation.
- first preference votes in a prior election.
- the presence of candidates that have agreed to campaign on aligned election issues but who are not members of a political party.⁵
- the number of candidates being fielded in a forthcoming election.
- the need to reflect the diversity of political perspectives amongst candidates/parties participating in elections.
- the current support for parties/candidates evident from opinion polls or other data sources.

It is open to broadcasters to have regard to changes in the media, social and political landscape and review how any changes in this regard might impact on the contextual factors that it will apply to an election.

Recognising their independence and editorial freedom, the approach to the allocation of airtime, whether strict or proportional, is a matter for broadcasters and may vary depending on, amongst other matters, the type of election (General, Presidential, Seanad, Local and European Elections), the resources available to broadcasters, their target audience, the types of programming that the broadcaster provides to the audience, the particular type of election programme (general coverage, Leaders's Debates, Party Political Programmes etc).

Whichever approach is taken by a broadcaster, they should develop mechanisms in respect to their approach to the allocation of airtime that are open, transparent and fair to all interests and to the public.

⁵ This is not a relevant factor in the granting of Party Political Programmes (see section 9).



These mechanisms should be considered and developed at an early stage by broadcasters and information on the approach being adopted should be available to all interested parties upon request, including election interests.⁶

Broadcasters should also note that the inclusion in a broadcast of an individual involved in an election campaign will not automatically mean that the broadcast must comply with these Guidelines simply on account of their appearance. Their inclusion will only be of relevance where a link is established between their participation in the broadcast and the elections, for example, where the individual or another contributor makes reference to an election.

4.3 Diversity of Viewpoints

In addition to exploring the manifestos of political parties and the campaign positions of candidates, election campaigns generally address a range of social, cultural and political issues. In this respect, to ensure that audiences are not only familiar with the candidates seeking election but also the wider issues that may be at the centre of election campaigns, broadcasters are advised to seek out the widest range of opinions on these issues. This will include contributions from election interests but also other individuals and organisations who may not be involved in campaigning but who may potentially provide audiences with valuable information and insights.

Notwithstanding this, broadcasters have a duty to protect audiences from content that is harmful or which may pose legal or liability risks to the broadcaster. It is a matter for broadcasters to manage these risks on a case-by-case basis, for example via the use of pre-recorded interviews or by declining to air views that they believe pose such risks. However, when doing so, a broadcaster should be in a position to objectively justify the approach taken to managing such risks.

4.4 Audience Participation

In the context of programmes which have an element of audience participation, including contributions by phone or text and live debates, broadcasters should ensure that an appropriate range of views are adequately represented in the questions, comments and issues raised during such programmes.

⁶ **‘Election interests’** include, but is not limited to, political parties, elected representatives, the Government, organisations established specifically for the purpose of campaigning during an election, individuals (including those holding or formerly holding a public office) campaigning for a particular outcome to an election, as well as existing social and civil society groups engaging in a campaign in respect of the election.



Broadcasters should not automatically assume that contributors who are participating in a programme, but who do not represent election interests, are unbiased. For this reason, programme makers should take reasonable steps to identify any affiliations that such contributors may have and which may be relevant to election coverage. In these situations, and also where the participant is aligned with an election interest e.g., they represent a political party, the affiliation should be made known to audiences in coverage at the time of broadcast.

4.5 Critical Examination of Views

The critical examination of the views of election interests is not, in and of itself, evidence of a lack of fairness, objectivity and impartiality since it is an appropriate role for broadcasters to ensure that time is afforded to examine, challenge (sometimes robustly, where required) the statements and positions of such interests.

5. Conflicts of Interest

The *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* requires that each broadcaster put in place, and implement, appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.⁷ This requirement is of particular importance in the context of coverage of elections.

It is the opinion of Coimisiún na Meán that it is not appropriate for persons involved with election interests to present programmes during the election campaign period. However, it is a matter for broadcasters to decide on a case-by-case basis the appropriate arrangements having regard to their statutory obligations, the type of programme presented, the extent of the presenter's involvement in an election campaign and in the context of the contractual, employment or volunteer relationship between the presenter and the broadcaster.

Broadcast content must not display bias in favour of, or against, any election interest, including parties or candidates. Endorsements on-air by a broadcaster of election interests, including candidates or parties are not permitted. In addition, endorsements on-air by staff (who are employed, contracted or who volunteer with a broadcaster) of election interests, including candidates, are also not permitted.

Broadcasters should note that comments made by programme presenters in non-broadcast media, for example via social media, in respect of election interests, including candidates, may have the potential to undermine the perceived impartiality of their coverage.

⁷ Rule 25.



This is particularly the case where the comments are made by presenters of news and current affairs programming. It is a matter for broadcasters to deal with such issues in the context of determining their approach to coverage and in the context of their contractual, employment or volunteer relationship with presenters. Notwithstanding this, Coimisiún na Meán may have regard to such comments where there is an evident link with a broadcast.

Broadcasters should note that the inherent qualities or personal circumstances of an individual will not, of itself, constitute a conflict of interest e.g. a person's age, gender, marital status, ethnicity, family status, sexual orientation, beliefs etc.

6. Opinion Polls

Opinion polls are a useful tool to inform the audience of voting intentions. Where opinion polls are being used as part of the coverage of elections, coverage must be accompanied by information to assist viewers/listeners to understand the significance of the opinion poll. Information on the details of the date of the poll, by whom it was commissioned and/or paid for, the company/organisation who conducted it, the number of people polled and their location must be provided on-air.

In representing the findings of opinion polls to viewers and listeners, broadcasters are advised to take into account not only the interpretation of the findings provided by those who have commissioned/undertaken the opinion poll but to also have regard to their own critical analysis of the results and the methodology used to undertake the poll.

7. Social Media

Broadcasters are reminded that they are required, further to the *Code of Fairness, Objectivity and Impartiality in News and Current Affairs*, to have in place appropriate policies and procedures for handling on-air contributions via social media. These policies and practices must be applied where social media is referenced on-air in the context of election coverage.

As trusted sources of news and current affairs content, broadcasters are an important bulwark against the spread of misinformation and disinformation that has become prevalent around political and other types of debate of importance to society. Given this and given the importance of elections, additional steps should be implemented by broadcasters to ensure that on-air references to social media content are accurate and that on-air references to such content does not spread misinformation or disinformation.

Given the increasing presence of audio and video content (including 'deepfakes') being generated by artificial intelligence, broadcasters should take steps to manage these risks and minimise the potential for such content to make it on-air and mislead audiences.



8. Advertising

Section 46M(2) of the Broadcasting Act 2009 as amended provides that a broadcaster shall not broadcast an advertisement which is directed towards a 'political end'. In this context, broadcasters shall ensure that advertising is free of material that might be reasonably considered as being directed towards a 'political end' in contravention of Section 46M(2).

In determining whether an advertisement may contravene the statutory prohibition, Coimisiún na Meán is of the view that it is reasonable for broadcasters to take into account the following three factors: -

- The content of the advertisement;
- The context in which the advertisement is broadcast;
- The aims and objectives of the advertiser and of the advertising campaign.

It is likely that one or more of the three factors may play a determining role in deciding whether an advertisement complies with the statutory prohibition. Separate guidance on advertising directed towards a 'political end' has been developed.⁸

9. Party Political Programmes

Party political programmes, formerly known as party political broadcasts, are permitted during election campaigns further to section 46M(4) of the Broadcasting Act 2009 as amended.

There is no obligation on broadcasters to transmit party political programmes during election campaign periods. However, broadcasters that do carry such programmes shall ensure that they are transmitted at times that are aimed at achieving a similar audience for all such broadcasts. Similar broadcast treatment shall be provided for all party political programmes, both at their introduction and at their conclusion. Such programmes may only be availed of by political parties included on the *Register of Political Parties*.⁹

To ensure that a party political programme does not rank as an advertisement (which is prohibited by Section 46M(2) of the Broadcasting 2009 Act as amended) no payment or similar consideration shall be applied for such broadcasts.

⁸ <https://www.bai.ie/en/download/136751/>

⁹ See <https://www.electoralcommission.ie/publications/register-of-political-parties/>.



10. Moratorium

Radio and television broadcasters shall observe a moratorium on coverage of an election. The moratorium shall operate from 2pm on the day before the poll takes place and throughout the day of the poll itself until polling stations close.¹⁰

During the period, broadcasters shall ensure compliance with the following: -

Discussion and analysis of election issues, the merits or otherwise of election candidates and/or their policies (or related policies of their political party) must finish at 2pm on the day of the poll. Such content shall not be broadcast while the moratorium is in operation.

Applying the Moratorium

In applying the moratorium, broadcasters will need to strike a balance between requirements to keep the public informed over this period and ensuring that programming does not contravene the moratorium as set out above.

When considering how to apply the moratorium, broadcasters should note the following: -

- The moratorium is not intended to preclude coverage during this period of legitimate news and current affairs stories that are unrelated to an election. However, broadcasters should avoid airing content (including breaking news stories) that the broadcaster believes is intended and/or likely to influence or manipulate voters' decisions during the moratorium period. This is an editorial matter to be considered on a case-by-case basis.

Particular care should be taken around the opinions expressed by any programme contributors during the period covered by the moratorium.

- Steps should be taken to ensure that programme repeats that are scheduled during the moratorium do not contain material that would breach the moratorium. Broadcasters are advised to schedule an alternative programme so as to avoid accidental breaches of the moratorium.
- Coverage of uncontroversial facts related to the poll are permitted (e.g. the opening hours of polling stations, factual reports on voting by political party leaders) once such coverage abides by the moratorium.

¹⁰ Coimisiún na Meán recognises that on some of the islands of Ireland polling will commence earlier than elsewhere in Ireland. In some instances, polling will also occur earlier via post. However, the moratorium will only apply from 2pm on the day prior to the opening of the majority of polling stations in Ireland until they close on the day of the poll. The moratorium will also apply in the case of any by-elections and/or plebiscites, scheduled on the same day as Local, European, Seanad or Presidential elections.



- The moratorium extends to all areas of programming, including newspaper reviews, coverage of opinion polls, information announcements etc. Particular care is necessary when commenting upon or covering newspaper reviews, online content or social media as they are not subject to the moratorium.
- The results of any exit polls, which are conducted on the day of the election, should only be broadcast only after the closing of the polling.

11. Diversity

It is a strategic objective of Coimisiún na Meán to foster a media landscape that is representative of, and accessible to, the diversity of Irish society. It is also a strategic objective to foster and promote quality programming in the Irish language. In this context, broadcasters are encouraged to include a mix of voices and opinions in their coverage of elections, including a mix of voices representing gender and cultural and social diversity.

Coimisiún na Meán also encourages English language services to provide additional opportunities to cover elections in the Irish language above and beyond their contractual obligations.

While the Access Rules do not include obligations about providing accessible coverage in respect of news and current affairs, Coimisiún na Meán encourages television broadcasters to provide coverage of elections that is accessible to those who are deaf or hard of hearing, those who are blind or vision impaired and those who are hard of hearing and vision impaired. This can be achieved via the provision of subtitling, audio description or Irish Sign Language.

12. Complaints

Audiences and election interests who wish to make a complaint about programme content should make such complaints in the first instance to the broadcaster. Thereafter, a complaint may be made to Coimisiún na Meán. Coimisiún na Meán has established a Contact Centre for handling queries about this Code, including complaints. The Contact Centre may be contacted by phone on + 353 1 963 7755 and by email at usersupport@cnam.ie.

Non-compliance with the Code may result in a contravention of the Acts of 2009 to 2022 and enforcement under Part 8B of the Act.



13. Guidance

Coimisiún na Meán can provide guidance on the application of the moratorium, and the Guidelines in general, but will only do so when requests of this nature are accompanied by proposed broadcast copy submitted in accordance with the procedures provided for in the Guidance Notes accompanying the *Code of Fairness, Objectivity and Impartiality in News and Current Affairs*. Requests should be emailed to election@cnam.ie.

NOTE

These Guidelines do not purport to constitute a comprehensive statement of the law. Coimisiún na Meán reserves the right to amend these Guidelines if it deems it necessary or prudent to do so. Coimisiún na Meán may provide informal guidance, without liability. This will not affect its discretion to decide upon cases/complaints after broadcast nor the exercise of its regulatory duties. Broadcasters should seek their own legal advice on compliance issues, where required.

