



IMC's Guidelines on Media Conduct During Elections

For implementing Chapter VIII of Law No. 03/L-073 on General Elections in the Republic of Kosovo and Law No. 03/L-072 on Local Elections:

Introduction:

The Independent Media Commission (IMC) is responsible for overseeing the implementation of Chapter VIII of Law No. 03/L-073 on General Elections and Law No. 03/L-072 on Local Elections by audio and audiovisual media service providers.

The IMC issues these Guidelines as a means of implementing Chapter VIII of the Law on Elections and assisting licensees to comply therewith.

CHAPTER I

General Rules for Political Advertising in audio and audiovisual media service providers:

Article 49.6 of Law No. 03/L-073, which also applies to local elections, provides that: *“Broadcasters shall ensure that every political advertising spot is clearly identified as such and shall clearly indicate the organization or individual responsible for it”*.

The purpose of these Guidelines is to ensure that the audience of audio and audiovisual media service providers (radio and television stations) is able to identify political advertising, whether paid for by an external source or provided free of charge by the audio or audiovisual media service provider, in order to distinguish political advertising from other broadcast content.

Television: Political advertising should be labelled as such using a fixed or moving text at the bottom of the screen, which is visible throughout the political advertisement.

Regardless if the political advertising is broadcast at paid time or during the free time offered to political entities by the audiovisual media service provider, the text must state that it is *“political advertising sponsored by [name of party, organization or individual] who paid for the time or requested part of the free air time”*.

This requirement also applies to programs sponsored by certified political entities, including interviews required or conducted by a political entity or broadcast of a political rally that exceeds normal news coverage.

Political advertising shall not exceed two (2) minutes (120 seconds).

Media service providers shall refrain from any form of political advertising prior to the official start of the election campaign, as set forth in Article 14, paragraphs 5 and 6, of the IMC's Regulation No. 2017/07 on Audiovisual Commercial Communications.

Even before the start of the election campaign, media service providers should ensure a balanced coverage of issues of public interest and issues of political controversy and provide a pluralistic view, without any privilege to any political party, political point of view or group or person, in order to provide equal space for all political entities, as defined in Article 6, paragraph 2, of the ICM's Code of Ethics No. 2016/03.

Radio: Radio stations must make an equivalent announcement at the beginning and at the end of a political advertisement of 30 or more seconds, stating: *“political advertising sponsored by [name of party, organization or individual] who paid for the time or requested part of the free air time”*.

This requirement also applies to programs sponsored by certified political entities, including interviews required or conducted by a political entity or broadcast of a political rally that exceeds normal news coverage.

For radio broadcasting spots shorter than 30 seconds, only one such announcement is required at the end of the spot.

Audio and audiovisual media service providers which choose to air paid political advertising are required to offer a minimum number of minutes of free airtime to each certified political entity during the campaign period, as required by Article 49.2 of Law No. 03/L-073 on General Elections, which also applies to local elections, as follows:

- a) 20 minutes for private Kosovo-wide television broadcasters;
- b) 40 minutes for the Public Service Television Broadcaster;
- c) 15 minutes for private Kosovo-wide radio stations;
- d) 30 minutes for each of the two Public Service Radio channels;
- e) 15 minutes for all other television stations;
- f) 10 minutes for all other radio stations.

Article 49.8 of Law No. 03/L-073 on General Elections, which also applies to local elections, requires that: *“Broadcasters which choose to air paid political advertising shall offer one week prior to the start of the campaign period an unbiased and equitable schedule of free air time, for political advertising spots, in writing to all certified political entities.”*

Media Service Providers are also instructed, during paid political advertising broadcasts, to aim to provide equal and non-discriminatory conditions to the CPEs in terms of time and space provided for the political advertising broadcast.

Further, Article 49.14 of Law No. 03/L-073 on General Elections, which also applies to local elections, envisages that: *“The price per second charged for paid political advertising spots*

shall be no higher than the lowest rate charged for that time and day of the week in the past six (6) months”.

Licenses (audio and audiovisual media service providers), according to Article 53 of Law No. 03/L-073 on General Elections, which also applies to local elections, shall make available to the IMC the Schedules of Transmission through logs recording paid and free air time.

Together with logs, licensees will also present their advertising pricelist for the past six months.

During the election campaign, political advertising time is not counted within the 12-minute quota of audiovisual commercial communications per hour.

CHAPTER II

Reporting of opinion polls related to elections:

Article 52.2 of Law No. 03/L-073 on General Elections, which also applies to local elections, provides that: *“No publication or broadcast of opinion poll and survey results relating to the election campaign, including exit polls, shall take place in Kosovo during the period commencing 24 hours prior to the official close of the polling stations and until the official closing of the polling process.”*

The terms *poll* and *survey* are used to include any reporting of public support measurements or attitudes towards certified political entities or anything related to elections.

Furthermore, Article 47.5 of Law No. 03/L-073 on General Elections, which also applies to local elections, envisages that: *“The publication or broadcast coverage of opinion polls and surveys during the campaign period and relating to the elections shall be accompanied by the total number of respondents, the name of the implementing company, the name of the party responsible for it, and the margin of error.”*

In order to provide information that will help the public assess the seriousness or reliability of any opinion polls or election-related surveys, the AMSPs should report these four points of information pertaining to any opinion polls:

- The name of the organization conducting a poll is important because some may be known or respected for their professionalism and others may not be.
- The name of the organization that pays or sponsors a poll, be it a political party or other organization, is important. The public should know whether the sponsor is in favour of, or is likely to favour, a particular party or coalition and seeks to manipulate opinion on his behalf, or whether the sponsor is independent and doing a public service by sponsoring a professional survey.

- The total number of respondents is important because it indicates whether the survey accurately reflects the population to which the survey refers, be it Kosovo-wide (which should include at least 1,000 randomly selected people) or throughout the city (which should include at least 200 randomly selected people).
- The statistical margin of error, which even in the largest and most professional surveys is rarely less than plus or minus 3 percent, indicates the level of accuracy of the survey which is professionally done.

If an organization conducts a poll and reports the results to the media without providing these four points of information, the media have the responsibility to request that information. If the organization fails to provide the four points of information, it is the responsibility of the media to identify which points are missing. For example, the organization that conducted the survey did not disclose who sponsored the survey or its margin of error.

The media should bear in mind that Article 52.2 of Law No. 03/L-073 on General Elections, which also applies to local elections, prohibits the publication or transmission of public opinion poll results related to the election campaign until the official closure of polling stations.

Vox populi interviews with a small number of people who are identified in a show should not be presented as a measure of the broader political opinion.

CHAPTER III

Rules on election silence before and during election day

This instruction aims to interpret Article 52.1 of Law No. 03/L-073 on General Elections, which also applies to local elections, according to which: ***“No person or media outlet shall broadcast or publish any material pertaining to campaign activity during the period commencing twenty-four (24) hours prior to the opening of the polling stations until the official close of the polling stations.”***

This prohibition includes the broadcasting, publication of any material pertaining to campaign activity such as political rallies or speeches, meetings, public presentations, or any activity prepared to propagate a political message related to elections during the period commencing twenty-four (24) hours prior to the opening of the polling stations until the official close of the polling stations.

CHAPTER IV

Decision making during the election process

All claims and monitoring findings for possible violations of legal provisions during the election process will be dealt with within 48 hours.

The IMC's decisions in respect of the alleged violations shall be implemented immediately and any appeal against such decisions (due to the immediate effect of such decisions) shall not impede their enforcement as provided for in Article 30, paragraph 2, point 2, of the IMC Law (decisions become final when notified to the parties).

Muja FERATI

Chairman of IMC

Date

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