[IE] New Broadcasting Code on Election Coverage

IRIS 2011-5:1/26

Damien McCallig
School of Law, National University of Ireland, Galway

The Broadcasting Authority of Ireland (BAI) on 31 January 2011 published the new BAI Broadcasting Code on Election Coverage (Election Code). The new Election Code details a range of rules with which all Irish broadcasters must comply when covering all relevant statutory elections (including Local, European, General and By-elections) held in Ireland.

The Broadcasting Act 2009 s.42 requires the BAI to introduce codes governing standards and practice to be observed by broadcasters. The new Election Code reflects existing practice and codes established by the BAI and its predecessor regulatory bodies, the Independent Radio and Television Commission (IRTC) and Broadcasting Commission of Ireland (BCI) (see IRIS 2002-7/23 and 2004-8/23). The new Election Code gives effect to various general requirements set out in the Broadcasting Act 2009. These include the requirements that broadcasters:

(i) shall ensure that all news and current affairs is reported and presented in an objective and impartial manner without any expression of the broadcaster's own views on election candidates, parties or election issues (Broadcasting Act 2009 s.39(1)(a) and (b)); and

(ii) shall not broadcast an advertisement which is directed towards a political end (Broadcasting Act 2009 s.41(3)); and

(iii) may broadcast Party Political Broadcasts provided that in the allocation of time for such broadcasts no political party is given an unfair preference and no charge is applied for such broadcasts (Broadcasting Act 2009 s.39(2) and s.41(3)).

The new Election Code was introduced following a consultation process and this led to a shortening of the moratorium period on election coverage that operated immediately prior to and including polling day and ran until polling stations closed. During the moratorium period, broadcasters are precluded from broadcasting references to election issues or to the merits or otherwise of candidates or their policies. One Irish broadcaster TV3 had objected to the then existing two-day moratorium through the consultation process.

The new Election Code maintains a moratorium period and restrictions as a mechanism to ensure that fairness, objectivity and impartiality are achieved during this critical period in the election process and to allow voters a period for reflection before going to the polls. The shortened period runs from 2 p.m. on the

© European Audiovisual Observatory (Council of Europe) 2026

day before the poll takes place and throughout the day of the poll itself until polling stations close. The moratorium applies to all elections except elections to Seanad Éireann (the Irish Senate). It should be noted that all other elements of the Election Code apply to Seanad Éireann elections.

BAI Broadcasting Code on Election Coverage, January 2011

http://www.bai.ie/pdfs/201101_electioncode_code_english.pdf

BAI Broadcasting Code on Election Coverage - Guidance Notes, March 2011

http://www.bai.ie/pdfs/201103_electioncode_guidance_english.pdf

BAI Guidelines on the Coverage of the 2010 Donegal South West Bye-election

http://www.bai.ie/pdfs/swdonegal_guidelines_english.pdf

BAI Consultation Broadcasting Code on Coverage of Elections, December 2010

http://www.bai.ie/pdfs/201012_electionconslt_english_vfinal.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026