[FR] CSA Keeps an Eye on the Presidential Campaign

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On 30 November 2011, after obtaining the opinion of the Constitutional Council, the audiovisual regulatory authority (*Conseil Supérieur de l'Audiovisuel* - CSA) adopted a recommendation on the coverage of presidential elections determining the scheme applicable to coverage of the campaign in the audiovisual media (see IRIS 2012-2/20). With the end of campaigning on 6 May 2012 and the election of François Hollande as President of France, it is now time to take a look at how the rules have been observed. Throughout the campaign, the CSA ensured compliance with firstly the principle of equity, and subsequently the principle of equal air time and speaking time for the candidates, applicable from 9 April 2012 onwards by virtue of the recommendation. To achieve this, air time and speaking time were calculated and listed regularly and commented on the CSA's Internet site; the CSA was pleased to see that the principles had been respected during the campaign.

It was however necessary to distinguish between this principle of speaking time and the rules laid down in the Electoral Code, the aim of which was to ensure the honesty of the ballot. Thus paragraph 2 of Article L.49 of the Code prohibits communication to the public of any unsolicited electoral propaganda on the day of the election and on the previous day. This "reserve period" applies to both audiovisual communication services and on-line services for communication to the public. Opinion polls may not be published, circulated or commented on during this period (Art. 11 of the Act of 19 July 1977). The purpose of this is to suspend discussion on the election so that voters are under no external influence when they vote. In accordance with Article L.52-2 of the Electoral Code, no results of the election, either partial or final, may be communicated to the public before the last polling station in France has closed. A special watchdog unit had been set up at CSA headquarters to ensure the rules were being observed. At the end of the first round of voting (22 April 2012), the CSA declared itself satisfied that the radio stations and television channels had on the whole complied with the rules, particularly by not divulging any estimates before 8 pm. A number of irregularities were nevertheless noted - France 2, RMC and Canal Plus received official notifications and TF1 and BFMTV received warnings for occasionally failing to observe the reserve period. In order that viewers should receive fair information, the CSA invited radio stations and television channels to update the estimates shown on screen during election evenings, with a reminder that these were not provisional results. It was also felt to be desirable for them to mention the

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estimates of other opinion polls, particularly where these were very different.

For the second round of the elections, held on 6 May 2012, the CSA announced that at its plenary assembly the following week it had voted to issue a formal notification to TF1, as one of its journalists had, at about 7 pm, read out a text message referring to the victory of the Socialist candidate. The CSA felt that this incident constituted giving out information before 8 pm, which was prohibited. Another formal notification was to be sent to France 3, where a weather forecaster had infringed the rules by announcing the results in her own way.

Since the rules on speaking time laid down by the CSA have been widely criticised by all the media during the campaign, “a mission should be carried out in the very near future with the channels and the political parties, putting everything on the table and discussing it all, so that we can reach new solutions that are more appropriate”, announced Christine Kelly, advisor and chairperson of the CSA’s working party on ‘pluralism and election campaigns’.

CSA, communiqué de presse du 26 avril 2012

http://www.csa.fr/Espace-Presse/Communiques-de-presse/Election-presidentielle-Respect-de-la-periode-de-reserve-la-veille-et-le-jour-du-scrutin

CSA, press release of 26 April 2012

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