[SK] Council Publishes Commentary on Election Campaigns in Electronic Media

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On 15 March 2014 the presidential elections took place in Slovak republic. Therefore at the beginning of February the Council for broadcasting and retransmission of Slovak republic (hereinafter “Council”) published on its website a commentary that summarizes and interprets the relevant legal provisions concerning the election campaign in electronic media.

The Council in its paper reminded the media that the broadcasting of any political advertising is prohibited outside the official election campaign time (21 days before election). This ban does not however apply to the broadcaster that broadcasts exclusively over the Internet (hereinafter “Internet broadcaster”) as well as to the provider of an on-demand audiovisual media service (hereinafter “on-demand provider”).

The public service broadcaster is obliged to (unlike commercial broadcaster who may) reserve slots in its programme service for the “political campaign” of each candidate who enforces his claim at least five days prior to the beginning of the election campaign. Public service and commercial broadcasters shall reserve a maximum of one hour of their broadcasting time per candidate with an overall limit of 10 hours. With regard to the interpretation of the term “political campaign”, the Council refers to its previous decisions which state that the term “political campaign” shall include not only the traditional (paid) TV and radio spots but also discussions specifically created for the upcoming election where candidates present their main campaign themes. However, news and current affairs programmes that are aired at same time (day and hour) and same manner (debate, number of presenters etc.) during the election campaign as they are aired outside of the official election campaign do not constitute a political campaign. They thus fall outside the assigned hourly limits. The hourly limits do not apply to Internet broadcasters and on-demand providers (they may broadcast an unlimited amount of political campaigns including paid spots).

According to the legislation, a political campaign must be readily recognizable and separated from other broadcasting by an announcement specifying “paid political advertising”. The Council however referred to its previous decisions that imply that the obligation to use the “paid political advertising” announcement shall apply only to the traditional (paid) election TV or radio spots. For political

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campaigns in the form of debates it is sufficient if they are separated by means that clearly indicate their connection to the election campaign.

Political campaigns broadcast by public service broadcasters are free of charge, whereas commercial broadcasters may reserve their broadcasting time for political campaigns in return for remuneration. The remuneration, access to the reserved time as well as the actual format of the debates must be based on the principles of fairness and equality. The Council in the commentary emphasizes that equality with regards to the remuneration means the exact same payment conditions for each candidate. The principles of fairness and equality with regard to political campaigns apply to any subject of regulation disregard its type, i.e., TV and radio broadcasters, Internet broadcasters as well as on-demand providers. Each subject of the regulation is obliged to respect the election moratorium which starts 48 hours prior to the election. It is forbidden to publish election polls three days prior to the election and during the actual vote.

Komentár k zákonnej úprave vysielania v čase volby prezidenta SR

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Commentary on the relevant legal provisions concerning the election campaign in electronic media

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