

BOSNA I HERCEGOVINA
CENTRALNA IZBORNA KOMISIJA
SREDIŠNJE IZBORNO POVJERENSTVO



БОСНА И ХЕРЦЕГОВИНА
ЦЕНТРАЛНА ИЗБОРНА КОМИСИЈА

CENTRAL ELECTION COMMISSION

RULEBOOK
on media coverage of political subjects in the period from the day of calling
the elections to Election Day

Sarajevo, June 2008

Pursuant to Article 16.18 of the Election Law of Bosnia and Herzegovina («Official Gazette of BiH » number: 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04,25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08 and 37/08), the Central Election Commission of Bosnia and Herzegovina, at its 26th session held on June 06, 2008, p a s s e d the following

RULEBOOK
**on media coverage of political subjects in the period from the day of calling
the elections to Election Day**

CHAPTER I INTRODUCTORY NOTES

Article 1
(Application)

With the Rulebook on media coverage of political subjects in the period from the day of calling the elections to Election Day (hereinafter: Rulebook), the Central Election Commission of Bosnia and Herzegovina (hereinafter: BiH Central Election Commission) regulates more precisely the implementation of the provisions of Chapter 16 “Broadcast Media in the Election Campaign” of the Election Law of Bosnia and Herzegovina (hereinafter: BiH Election Law).

Article 2
(Definitions)

For the purpose of interpretation and application of this Rulebook, definitions and abbreviations in this Rulebook shall have the following meaning:

a) “The election campaign” is the period of thirty (30) days prior to Election Day in which a political subject, in a manner established by the law, informs the voters and the public about its program and candidates for the forthcoming elections.

b) “The official commencement of the election campaign” is on the thirtieth day before Election Day (or the day of the official commencement of the election campaign).

c) “The CRA” is the Communications Regulatory Agency.

d) “The CRA rules” are the Broadcasting Code of practice, as well as any other CRA rule regulating the issue of RTV program broadcasting.

e) “A political subject” is a political party, independent candidate, coalition of political parties or list of independent candidates certified in accordance with the BiH Election Law. Within the meaning of this Rulebook, an association or another organized registered form of acting of national minorities, and a group of at least 40 citizens who have the right to vote participating in the elections in the sense of Article 13.14 of the BiH Election Law, are also considered to be a political subject.

f) “Political advertising” means broadcasting and publishing of advertisements, public calls, video spots and any other type of political subjects’ promotion.

g) “Public advertising” means advertising via the media, billboards, posters, the Internet, flyers, moveable advertisements and any other form of public advertising available to voters and the public.

h) “The media” are all electronic and print media.

i) “Electronic broadcast media” are all public and private electronic broadcast media (radio and TV).

j) “Public Broadcasters” is a broadcast media defined by CRA rule 01/1999- The definition and the obligations of public broadcasting, including the Public Broadcasting Service BiH, the Radio Television of the Federation of BiH and the Radio Television of Republika Srpska , and

k) “Private Broadcasters” are any broadcast media which cannot be classified as public broadcaster.

CHAPTER II PERIOD FROM THE DAY OF CALLING THE ELECTIONS TO THE OFFICIAL COMMENCEMENT OF THE ELECTION CAMPAIGN

Article 3 (Prohibition of Paid Election Campaign for Political Subjects)

(1) In the period from the day of calling the elections to the official commencement of the election campaign, paid political advertising via the media or any other form of paid public advertising is prohibited for political subjects, except for paid political advertising about holding internal assemblies of organs and statutory bodies of political subjects.

(2) According to the BiH Election Law, organs and statutory bodies of political subjects are those organs and bodies which are foreseen by the Statutes of the political subjects (Presidency, Main Board, Assembly, Congress, Convention, etc.).

Article 4 (Prohibition of Broadcasting and Publishing Paid Election Campaign for the Media)

In the period from the day of calling the elections to the official commencement of the election campaign, the media are prohibited to broadcast and publish paid political advertising of political subjects, except for paid political advertising by which members of organs and statutory bodies of political subjects are informed about the holding of internal assemblies of organs and statutory bodies of political subjects, under equal conditions for all political subjects.

CHAPTER III PERIOD FROM THE OFFICIAL COMMENCEMENT OF THE ELECTION CAMPAIGN UNTIL ELECTION DAY

Article 5 (Publicizing Results of Public Opinion Research)

(1) With reference to the obligation of all media set in Article 16.5 of the BiH Election Law, the term ‘seat of the institution that conducted the survey’ shall purport stating the name of the city and the state where the institution is seated.

(2) The prohibitions set in Articles 16.10 and 16.11 of the BiH Election Law shall apply to all media in Bosnia and Herzegovina.

(3) The prohibitions from the previous paragraph shall also refer to publishing earlier prepared, already broadcast or printed subject matters.

Article 6 (Informing Political Subjects)

It shall be deemed that the broadcaster informed a political subject about the time of participation in special shows under the condition that the notice can be documented.

Article 7 (Direct Promotion)

(1) The public electronic broadcast media shall be obligated to establish the duration of direct promotion based on present practice, number of political subjects and other relevant circumstances, but in such a manner as to provide at least three (3) minutes of direct promotion in the election campaign to each political subject.

(2) Each political subject shall be provided equal time for direct promotion.

(3) The terms for direct promotion shall be set during the time when it is most probable for it to reach the largest part of the public.

(4) The sequence of political subjects' participation in direct promotion shall be established by public broadcasters through lottery no later than seven days prior to the commencement of the election campaign. Political subjects shall be informed about the date and the place of the draw, and they may be present there.

(5) Once established terms in the broadcaster's show may not be changed.

(6) Public electronic broadcast media shall ensure direct promotion to all political subjects registered in the constituency which is covered by the signal of that media.

(7) Signal coverage of a radio and/or TV station is established based on technical information given in the broadcasting licenses issued by the CRA.

(8) The provisions of this Article shall apply to private electronic broadcast media as well, if they decide to organize direct promotion of political entities.

Article 8 (Paid Political Advertising)

(1) Paid political advertising shall be allowed during the period from the official commencement of the election campaign until the election silence period, i.e. in the period of 30 days prior to Election Day.

(2) The prices for political advertising must be equal for all political subjects, and the price lists shall be submitted to the CRA and to certified political subjects 15 days before the official commencement of the election campaign.

(3) The terms for paid political advertising shall be established by the broadcaster no later than seven days before the official commencement of the election campaign. The media shall have clear rules on decision-making regarding the sequence and the time in which the political advertisements will be broadcast. In case of controversy regarding the sequence and the time of broadcasting political advertisements, the broadcaster shall solve that issue by agreement with the political subject and subsequently, if necessary, by a lottery.

(4) Paid political advertisements shall not be broadcast immediately before, during or after the news broadcast.

(5) In this context, the term ‘immediately’ from paragraph (4) of this Article shall mean the period of 15 minutes before and after the news broadcast.

(6) If political subjects cannot organize the production of their political spots by themselves, they can ask the electronic media for such services. The media may charge such productions. Fees charged in this case must be the same for all political entities at the same level of services.

Article 9 (Implementation)

(1) Electronic broadcast media shall send the schedule of planned political programs to the CRA at least seven (7) days earlier. All changes of planned programs or political shows planned at short notice shall be reported to the CRA as soon as possible.

(2) Electronic broadcast media shall keep detailed record on the time schedule of broadcasting political advertisements, the time schedule and the content of political programs, as well as on political events coverage, and such records shall be made available to the public. Such records shall be submitted to the CRA each Monday for the previous week. Such records shall include a report on received and realized requests for paid political advertising. At any time, the CRA can ask the media for a summary report of all political advertisements and political programs, as well as for the report on time provided to each political subject.

CHAPTER IV PUBLIC BROADCASTERS AND THE BIH CENTRAL ELECTION COMMISSION

Article 10 (Public Broadcasters)

(1) Public broadcaster shall be obliged to broadcast radio jingles and TV spots, announcements and information of the BiH Central Election Commission free of charge and completely, in order to keep voters informed on all aspects of the electoral process.

(2) In case a public broadcaster refuses to act in accordance with paragraph (1) of this Article, the BiH Central Election Commission shall report it to the CRA for appropriate proceedings.

(3) The BiH Central Election Commission shall inform the public broadcaster duly about the time schedule of broadcasting radio jingles and TV spots, announcements and information of the BiH Central Election Commission, including the number of times they shall be repeated.

CHAPTER V SANCTIONS

Article 11 (Sanctions)

(1) As the body competent for monitoring the work of electronic broadcast media, the CRA shall apply its *Procedure for handling cases* in case of any violation of the provisions of Chapter 16 of the BiH Election Law and the provisions of this Rulebook by electronic broadcast media.

(2) Political subjects shall send their objections to the content in print media regarding the election campaign coverage to the Press Council, in accordance with the procedures of the Council.

(3) The BiH Central Election Commission shall be competent for handling complaints about violations of the provisions of Chapter 16 of the BiH Election Law and the provisions of this Rulebook by political subjects.

CHAPTER VI FINAL PROVISIONS

Article 12 (Ineffectiveness)

The employment of the Rulebook on media coverage of political entities in the election campaign (“Official Gazette of BiH”, number: 40/06) shall be terminated on the day of entry into force of this Rulebook.

Article 13 (Entry into Force)

This Rulebook shall enter into force on the day of its enactment and it shall be published in the “Official Gazette of BiH”, the “Official Gazette of RS”, the “Official Gazette of the FBiH” and the “Official Gazette of the BiH District of Brčko” and on the website of the BiH Central Election Commission.

Number: 05-1-02-2-1566/08
Sarajevo, June 09, 2008

President

Dr. Suad Arnautović