



R U L E B O O K
on media coverage of political entities from the day elections are announced until the
Election Day

Pursuant to Article 16.18 of the Election Law of Bosnia and Herzegovina (Official Gazette of BiH, number: 223/01, 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, 37/08, 32/10, 18/13, 7/14 and 31/16), Central Election Commission of Bosnia and Herzegovina has at its 7th session held on 28.01.1018 passed the following

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CHAPTER I. INTRODUCTORY NOTES

Article 1 (Scope)

The Rulebook regulates in more detail implementation of the provisions of Chapter 16 “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 acronyms in this Rulebook shall have the following meaning:

- a) **Election campaign** is the period of 30 days prior the Election Day in which a political subject in a manner established by the law informs the constituents and the public about its program and candidates for the forthcoming elections.
- b) **Official start of election campaign** is 30th day before the Election Day (or the day when election campaign officially starts).
- c) **CRA** is Communications Regulatory Agency.
- d) **CRA rules** are Broadcasting Code of practice, as well as any other CRA rule regulating the issue of RTV program broadcasting.
- e) **Political subject** is a political party, independent candidate, coalition or list of independent candidates certified in accordance with the BiH Election Law. Political subject under this Rulebook shall also be an association, i.e. any other registered form of action of national minorities and groups of at least 40 citizens who have the voting right and who participate in the elections in terms of Article 13.14 of the BiH Election Law.
- f) **Political advertising** means broadcast of advertisements, public calls, video spots and any other type of political subject’s promotion.
- g) **Public advertising** means advertising through media, billboards, posters, Internet, leaflets, bizz boards and any other type of advertising available to the voters and public.
- h) **Seat of the institution** under Article 16.5, paragraph (1), point b) of the BiH Election Law means providing the name of the city and the country in which an institution has its main office.
- i) **Media** are all electronic and print media.
- j) **Electronic broadcast media** are, for the purpose of interpretation of this Rulebook, public and private television and radio stations that are licensed by the Communications Regulatory Agency of BiH.

CHAPTER II. PERIOD FROM THE DAY ELECTIONS ARE ANNOUNCED UNTIL THE OFFICIAL START OF ELECTION CAMPAIGN

Article 3

(Prohibition of conducting paid election campaign for political subjects)

- (1) In the period from the day elections are announced until the official start of election campaign political subjects are prohibited to conduct paid political advertising through the media or any other type of paid advertising, except for paid political advertising on internal meetings of authorities and statutory bodies of political subjects.
- (2) Authorities and statutory bodies of a political subject, within the meaning of the BiH Election Law, shall mean authority and a body defined by the political subject's Statute (presidency, main board, assembly, congress, convention, etc.).

Article 4

(Prohibition to broadcast and publish paid election campaign for the media)

In the period from the day elections are announced until the official start of election campaign the media outlets are prohibited to broadcast and publish paid political advertising of political subjects, except for paid political advertising by which members of authority and statutory bodies of political subjects are informed about time and place of internal meetings of authorities and statutory bodies of political subjects, under equal conditions for all political subjects.

CHAPTER III. PERIOD FROM THE DAY OF THE OFFICIAL START OF ELECTION CAMPAIGN UNTIL THE ELECTION DAY

Article 5

(Publicizing results of public opinion research)

- (1) Prohibitions set in Article 16.10 and 16.11 of the BiH Election Law shall apply to all media in Bosnia and Herzegovina.
- (2) Prohibitions set forth in paragraph (2) of this Article shall also refer to publishing earlier prepared, already broadcasted or printed contents.

Article 6

(Informing political entities)

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

Article 7

(Direct promotion)

- (1) Public electronic broadcast media shall establish duration of direct promotion based on present practice, number of political subjects and other relevant circumstances, but in a manner as to provide three (3) minutes of direct promotion in the election campaign to each political subject.
- (2) Each political entity shall be provided equal time for direct promotion.
- (3) Terms for direct promotion shall be set during the time when it is most probable to have the highest outreach.
- (4) Sequence of political subjects' participation in direct promotion shall be established by the public broadcaster through a lottery no later than seven days prior to the commencement of the election

- campaign. Political subjects shall be informed about date and time of the lottery draw, and they may be present there.
- (5) Once established terms in the broadcaster's shows 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) Provisions of this article shall be applied to private electronic broadcast media, if they decide to organize direct promotion of political subjects.

Article 8 **(Paid political advertising)**

- (1) Paid political advertising shall be allowed in the period from the beginning of official campaign until the start of election silence, namely in the period 30 days before the Election Day.
- (2) Prices for political advertising must be the same for all political subjects, and the price lists shall be submitted to the CRA and to certified political subjects 15 days before official commencement of the election campaign.
- (3) Terms for paid political advertising shall be established by the broadcaster no later than seven days before commencement of the election campaign. The media shall have clear rules on decision-making regarding sequence and time in which the political advertisements will be broadcasted. In case of controversy regarding the sequence and the time of political advertisements broadcast, the broadcaster shall solve that by agreement with the political subject and subsequently if necessary by the lottery.
- (4) Paid political advertisements shall not be broadcasted immediately before, during or after the news broadcast.
- (5) The term immediately in paragraph (4) of this Article shall mean period of 15 minutes before and after news broadcast.
- (6) If political subjects cannot organize production of their political spots by themselves, that can ask electronic media for such services. The media may charge such productions. Fees, which are charged in this case, must be the same for all political subjects the same level of services.
- (7) Electronica media shall have the right to refuse to broadcast a political advertisement in case that:
 - a) the advertisement has not been properly ordered in a written form;
 - b) the advertisement does not meet technical and professional standards which are clearly identified and of which the political entity has been duly informed;
 - c) the advertisement includes any discrimination or prejudice based on sex, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background, or any other content which has the purpose or effect to nullify or to impair the recognition, enjoyment or exercise, on an equal footing, of any person's rights and freedoms;
 - d) the advertisement demeans, intimidates or incites to violence or discrimination against a person or a group based on sex, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background or any other circumstance which has the purpose or effect to nullify or to impair the recognition, enjoyment or exercise, on an equal footing, of any person's rights and freedoms;
 - e) the advertisement includes abuse of children for political purposes in line with the international standards; and
 - f) the advertisement is not in accordance with rules and regulations of the Communications Regulatory Agency.
- 8) Should electronic media consider the content of paid political advertisement falls under points c), d), e) and f) of paragraph 7 it can address the Communications Regulatory Agency that will issue a binding reasoning regarding the content of political advertisement.

- 9) Should electronic media refuse to broadcast paid political advertisement under points c), d), e) and f) of paragraph 7, political subjects whose advertisement is denied of broadcasting has the right to address the Communications Regulatory Agency that will issue a binding reasoning regarding the content of political advertisement.

Article 9
(Implementation)

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

CHAPTER IV. PUBLIC ELECTRONIC MEDIA AND THE BIH CENRAL ELECTION COMMISSION

Article 10
(Public electronic media)

- (1) The public electronic media shall broadcast radio and TV ads, entire statements and information by the Central Election Commission of BiH free of charge for the purpose of informing voters about all aspects of the electoral process.
- (2) If the public electronic media refuse to act in accordance with paragraph (1) of this Article, the Central Election Commission of BiH shall file a report with the Communications Regulatory Agency for competent action.
- (3) The BiH Central Election Commission shall inform electronic media in a timely fashion about time period of broadcasting radio and TV ads, statements and press releases of the BiH CEC, including their recurrence.

CHAPTER V. STEREOTYPE AND OFFENSIVE CONTENTS

Article 11
(Prohibition)

- (1) No conduct of an election campaign shall be allowed by way of electronic and printed media where the contents are stereotype and offensive against men and/or women or which encourages any stereotype and offensive behavior on the grounds of gender or any humiliating attitude against the members of different genders.
- (2) Prohibitions referred to in paragraph (1) of this Article, as well as other limitations set forth in Chapter 16 of the BiH Election Law shall relate to other means of communications that can deliver audio, video or textual content.

CHAPTER VI. SANCTIONS

Article 12 (Sanctions)

- (1) As the body competent for monitoring the work of broadcasters, CRA shall apply its Rulebook for handling the cases of violation of licenses' conditions and regulations of the Communication Regulatory Agency (Official Gazette of BiH, no.18/05) in case when electronic media fail to respect provisions of Chapter 16 of the BiH Election Law and of the provisions of this Rulebook.
- (2) The 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 responsible for adjudicating complaints of political subjects for violation of provisions of Chapter 16 of the BiH Election Law and of this Rulebook.

CHAPTER VII. FINAL PROVISIONS

Article 13 (Ineffectiveness)

Effectiveness of the Rulebook on media coverage of political subjects from the day elections are announced until the Election Day (Official Gazette of BiH, number: 37/10) shall be terminated on the day of entry into force of this Rulebook.

Article 14 (Entry into force and publication in Official Gazettes)

This Rulebook shall enter into force a day after its publication in Official Gazette of BiH, and it shall also be published in Official Gazette of FBiH, Official Gazette of RS, Official Gazette of BiH District of Brčko, and on the website of the BiH Central Election Commission, www.izbori.ba.

Number: 05-1-02-2-228-1/18
Sarajevo, 28.02.2018

President

Dr. Irena Hadžiabdić