



Collection
Media

Media and elections

Handbook



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Handbook

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Introduction

It is a cliché, but the media's performance in the course of an election campaign is genuinely of great importance. Editorial independence, integrity and professionalism are the cornerstones of sound election coverage. A lack of journalistic autonomy or responsibility can, in combination with a too homogenous media landscape, prejudice the results of elections.

Hence, a diversity of media outlets, accessible to different interests and supported by varied structures, is needed. Yet this also creates competition, and the proliferation of television channels and the increased competitiveness in the broadcast market have caused particular concern. Does the battle for the viewer negatively affect the election coverage?

The following chapters discuss possible regulation of free political advertising, paid political advertising and editorial coverage in the broadcast and print media. Some of the questions addressed are:

- Should blatant bias in the print media be curtailed? How do different countries actually regulate the press coverage of elections? Should there be free and paid political ads in the newspapers?
- Do private television channels have to adhere to principles of fair and balanced coverage, or does this obligation only rest upon public channels? How can this be enforced: through self-regulation and responsibility, or statutory regulation and subsequent control?
- Should infotainment and debates be regulated to ensure fairness?
- How should free political advertising on television be allocated?
- Should paid political advertising be allowed? If so, can it be limited to prevent the excrescences of fund-raising and the advantages for those with big wallets?

- Which body should oversee all this? How can its independence be guaranteed?
- Finally, several other issues are addressed, such as the right of reply in election campaigns, the negative campaigning of some parties and candidates, the focus on opinion polls and horse race coverage (who's behind, who's in front), and the possibilities for campaign silence.

Examples – both good and bad – are provided from many countries. Besides being illustrative, they also indicate that some rules and guidelines are universal, whereas others clearly depend on the media situation, the constitutional system and the regulatory traditions.

Legislation concerning the media coverage of elections need not be a dead-end dispute between those advocating unlimited freedom of speech and those attempting to enforce fairness. Pluralism, editorial autonomy and journalistic professionalism are pre-requisites recognised by all. At the same time, there is broad consensus about boundaries to the freedom of the press. Not only general limits, such as transgressions of civil and criminal laws on racist publications, defamation, etc., but also concerning coverage of elections. For example, most First Amendment prophets would regard reporting on exit polls before the ballot boxes have closed as undesirable.

Surely, laws alone cannot guarantee fairness. Experience from many countries and media outlets indicates the value of self-regulation, internal guidelines and editorial statutes (separating management and editorial responsibilities). In several countries, the (public) broadcast media have certain (statutory) obligations. While there may not be a philosophical justification for treating the electronic media differently from print, examples show that there is broad consensus and acceptance regarding this dual approach.

As for self-regulation, it has often been stated that the drawing up of campaign codes of ethics and editorial practice

should be carried out with the participation and assent of journalists and media outlets. After all, a code of ethics is worthless if it is not recognised by the people to whom it applies. Similarly, the framing of relevant clauses of the electoral law and of regulations regarding the media coverage of elections may also be the result of consultation between the media, the regulatory body, and the government. The journalists must at least be involved in the drawing up of the rules that apply to them.

1. The print media

Take a bird's eye view of the print media in Europe, and a remarkable diversity can be noted. Some countries have a strong national press (United Kingdom, Netherlands). In other countries the national newspaper market is comparatively weak, yet the regional press is particularly strong (France, Germany). Some countries do not have shrieking national daily tabloids (Netherlands, France, Italy), whilst in others these papers have the highest circulation (Sweden, United Kingdom, Germany). The number of newspapers sold per 1,000 inhabitants also differs significantly: from 472 in Sweden and 320 in the UK and Germany, to 156 in France and 113 in Italy. Some countries have a long tradition of self-regulatory bodies (e.g. Sweden), whereas in other countries, such bodies are relatively new or absent. The print media markets in Western Europe have been relatively stable over the past ten years. The shifts in central and eastern Europe have, of course, been enormous. In this region, traditional big selling dailies have folded or changed their editorial course, and hundreds of new ones have been established.

These differences should be kept in mind when options for regulations are explored. Countries have often chosen means to enforce regulation specifically because those suited the domestic media situation.

Legal framework

Regulations for the print media's coverage of elections are not specific. The general freedoms, and restrictions of those freedoms, apply. Rules related to elections, if any, only concern state-owned newspapers.

The basic 'freedoms' apply to the press. The freedom of speech is contained in domestic constitutions and international covenants (Universal Declaration of Human Rights, United Nations International Covenant on Civil and Political Rights, European Convention on Human Rights or ECHR). The freedom of the press is usually contained in the domestic press law. Finally, freedom of information allows information to be distributed, but also implies that citizens have the right to be informed. Some countries have a law on information, and on access to information.

These rights are not unlimited. All countries have legislation to protect the rights of the individual and to prevent the abuse of freedom of speech. These restrictions typically include libel, invasion of privacy, racial discrimination, national security, etc. Relevant clauses are either contained in the press law, in special laws on libel and privacy, or ensured by other laws, e.g. criminal and civil codes. The international covenants also place restrictions on the freedom of speech. The ECHR, for instance, states that the freedom of expression [...]

"[...] may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."¹

1. ECHR, Article 10.2.

In practice, freedom of expression is most often limited by the need to protect the reputation and rights of others – most notably via rules on private interests, rights of individuals, libel, slander, defamation and privacy protection.

However, the mechanisms to enforce regulations are not uniform. For instance :

- France has a press law, and a statutory system for regulation of the press. There is no self-regulatory body (press council).
- Italy has no specific press law, but has a professional body with legal teeth.
- In Germany, each Bundesland has its own press law. There is a press council, but it has no juridical means to enforce its own decisions. It is also not very well known in Germany, and receives few complaints, which are not generally related to election coverage.
- The United Kingdom is unique in the sense that it does not have an explicit guarantee of freedom of expression established in a written constitution. Also, the UK does not have a specific press law laying down the rights of and restrictions on the press, nor specific privacy legislation (the Press Complaints Commission was considered effective enough ; something that has been seriously questioned). The UK press council was replaced by the Press Complaints Commission in 1991.
- Sweden has a long-standing tradition of voluntary regulation of the press, on which it depends almost exclusively (note the difference with France). The Swedish press council was one of the first in the world.

Many countries have adopted the method of transferring the authority of press regulations to self-regulatory bodies. These bodies (referred to as press council) have the mandate to regulate or supervise press behaviour, and impose sanctions.

Their sound functioning can serve two purposes. Firstly, a respected and effective self-regulatory body diminishes and even prevents the need for legislation. The examples of

Sweden and the UK illustrate this although the German press council (*Presserat*) was less successful in this respect. Secondly, a press council can be an effective regulator of press ethics (and, for that matter, of fairness in the coverage of elections) and provide for an efficient system of redress for the public and for political candidates/parties. Again, the German press council illustrates that success is not guaranteed: some papers refused to publish public reprimands, a clear sign of disrespect.

Clearly, for a press council to be effective, its authority needs to be recognised by all newspapers. In Austria, the *Presserat* attempts to preserve the freedom and reputation of the press, monitors abuse and tries to eliminate it, and represents the press *vis-à-vis* regulators, administrators and the public. Even though the *Presserat* lacks the power to impose sanctions which could enforce its decisions, practical experience indicates that all media concerned (except the largest daily) respect the judgements.

In Italy, the National Council Order of Journalists supervises the press and codifies press ethics. However, both politicians and the press lack confidence in the ability of the Order to do this. The Order and specifically its charter of duties are not respected by journalists, probably because the ethical codes never seemed to be a priority for the Order, were only introduced some years ago, and the Order has not been active in monitoring violations and apportioning responsibilities.

In France, it is often argued that press regulation (ethics and responsibility) should be handled by each newspaper and by journalists themselves, not by voluntary branch-wide regulation. Both Italy and France also argue that voluntary regulation does not work without laws and sanctions to back them up. The differences in approach between, say, Sweden and France illustrate the influence of tradition.²

2. Von Dewall, Gustaf (1997), *Press Ethics: Regulation and Editorial Practice*, Düsseldorf, European Institute for the Media, EIM Media Monograph 21.

It was *The Sun* wot won it

Print media are sometimes politically aligned, but that does not have to be a problem.

On 9 April 1992, the day before the elections, *The Sun* ran a notorious cover. It had Labour party leader Neil Kinnock's head in a light bulb, accompanied by the text "If Kinnock wins today, will the last person to leave Britain please turn out the light". It was a climax to a thoroughly pro-Conservative crusade, in which the biggest selling British tabloid constantly pushed the theme of 'Nightmare on Kinnock Street'. When the results came in, and it became clear that the John Major's Conservatives had gained a slim majority, *The Sun* was quick to claim, with ungrammatical exuberance, that "It was *The Sun* wot won it".

More seasoned commentators have their doubts about the impact of this type of press support. Firstly, it is pointed out, almost half of the readers of *The Sun* voted Labour at the time. Similarly, when Conservative party leader Margaret Thatcher was up for re-election, *The Sun* ran a full page cover urging voters to support her. In a subsequent survey, one-third of the readers thought *The Sun* backed Thatcher, one third thought the paper backed Labour, and one third thought the paper did not back any particular party. Secondly, during the last elections, *The Sun* switched sides and supported Tony Blair's Labour party. Finally, and most importantly, the audience increasingly turns away from the 'party press' and views it as propaganda.

The party press has been long in decline in western Europe. In the Netherlands, for instance, in the 1960's and 1970's, the strongly aligned papers saw their circulation dwindling, and most of them eventually folded or dissociated themselves from a single party and became increasingly moderate. Currently, none of the main daily newspapers in the Netherlands has a strong slant towards one particular political party. The Swedish press by tradition used to be affiliated to

political parties, yet the links weakened in recent years. Many newspapers changed their masthead to emphasise their independence.

In the United Kingdom, the 'de-alignment' of the press prompted one commentator to state "Were newspapers once the clients of parties and owned or subsidised by party financiers, politicians by the 1960's became the clients of the press".³ Even if most newspapers in Britain still have political allegiances, and do not attempt to be entirely objective, they are often also the fiercest critics of the party they are supposed to support. For instance, The *Guardian* (pro-Labour) attacked Tony Blair for being too vague and going too far to win over Conservative voters with promises not to raise taxes. The *Daily Telegraph* (pro-Conservative) attacked John Major for not being Eurosceptic enough.⁴

In central and eastern Europe, the newspapers with strong party affiliations are losing their readership rapidly. For instance, *Duma* (pro-socialist) and *Demokratija* (linked to the reform oriented UDF) in Bulgaria have a continuously declining circulation (respectively from 660,000 and 420,000 in 1990, to 34,000 and 26,000 in 1997), and are surpassed by "independent" newspapers. The same has happened in almost all other countries in the region (including Russia).

The decline of the party press is not ideology driven, nor a result of any government edict, but induced by the market. A paper can no longer produce pure party propaganda if it wants to obtain a significant circulation, since readers seem to prefer media that have a marked distance to the political parties. In the current competitive market place of the print

3. Seymour-Ure, C. (1991), *The British press and broadcasting since 1945*, Oxford, Blackwell.

4. Manasian, D. (1997), *The 1997 British election campaign and the media* (unpublished).

media, there is a need to appeal to large audiences across the political spectrum and not to alienate the moderate electorate.

There is another reason why party affiliation does not have to be a problem. Usually, the press is rather pluriform and it is possible for voters to get another point of view by simply buying another paper. Hence, there is not a great need for newspapers to be entirely balanced. Only when alternative voices are not available, or limited in their circulation and distribution outside the capital, could the political bias of some print media be considered a problem.

Regulations for the print media

Countries have recognised the market forces and the plurality and independence of the print media, and have not adopted specific regulations for newspapers' editorial coverage of elections.

There is one exception, though. State-owned newspapers have been required to observe the principles of equality in their reporting of campaigns. If the funding is levied from public sources, the concurrent obligation to represent the views of the public as a whole is justifiable. This obligation should, however, not be too strictly formulated, since it can have the counterproductive effect that the newspapers concerned stop pursuing stories altogether. After all, campaign stories and analysis cannot always be reported in a purely impartial way. Hence, this obligation should stress the need for an overall fair and balanced approach, rather than demanding each story to be 'objective'.

It is, however, not that simple. In western Europe, state-owned papers have either closed down or are marginalised. In central and eastern Europe and the former Soviet Union, on the other hand, some still have a significant circulation (if only because these papers are relatively cheap). However, instead of fulfilling some sort of 'public function' and being 'fair and balanced', the contrary is often the case. The state-owned

papers are mouthpieces of the government. "Why would we pay for a newspaper which writes critically about us?", one Ukrainian official once asked.

There are many examples of biased government papers. In Russia, for instance, the state-owned newspapers *Rossiiskaya Gazeta* and *Rossiiskie vesti* (respectively the organs of the Russian government and presidency) heavily supported president Boris Yeltsin during the 1996 campaign. It not only harmed the credibility of both papers, yet also raised questions about the effectiveness of the regulations, since the papers were under the Central Election Commission's obligation "to refrain from preferential treatment". Even if such papers were more balanced, they would have to overcome the public scepticism about their editorial independence.

In central and eastern Europe and the former Soviet Union, several countries allocated free political advertising space to parties in state-owned newspapers, in much the same way that free advertising time is granted on public broadcasters in most countries. If countries chose to do so, it can be recommended that this space is not for political parties to use as they wish, but rather takes the form of a standard summary of the election manifesto. It could be granted on an equal basis (since newspapers can expand their coverage and uninterested voters can easily turn the pages, both options which are not possible in the broadcast media) and, of course, applies only to state-owned newspapers.

Due care should be taken not to overload the papers with free ads, as was the case with *Rossiiskaya Gazeta* in December 1995 (during parliamentary elections in Russia). The paper had to publish election material for all parties/blocs free of charge. Since the paper had limited space, the obligation clashed with another official duty: publishing lists of electoral blocs. Eventually the conflict was resolved in favour of the lists. They filled the newspaper's pages for the whole period of the campaign, but not all had been published before the day of elections.

Paid political advertising in the print media is generally allowed, contrary to paid advertising on the broadcast media (see relevant section). There may not be a substantive reason why this distinction between press and broadcasting should be made, yet made it is. There could be various reasons: (1) the press has generally been less regulated than broadcast media; (2) television advertising may have been considered more influential, and (3) there may have been fear that the substantial financial resources needed for television advertising could create inequality of opportunity.

In the countries where paid advertising on television is not allowed, established parties nowadays set aside large budgets for intervention in the press as the campaign moves to a climax. Whether it is in the public interest to curtail this practice is open for debate. Yet it could be feasible to scale down this practice, for similar reasons as those outlined in the section on the broadcast media. Publishers will most likely object to this, claiming it is an interference with their freedom of speech. This is, however, not entirely true, since the incursion would be non-editorial. If advertising on television is not allowed, or campaign expenditure is limited, there is no principal reason why advertising in papers could not also be curtailed.

One other regulatory option for paid advertising in the press can be explored, namely non-discriminatory and open rules for access. As a rule of thumb, the most favourable conditions offered to one candidate or party should be applicable to all. If one is allowed to advertise, so should the other. In Italy, this has been regulated. Prior to the start of the campaign, newspapers should (1) specify the conditions for reserving advertising space; (2) specify the prices – costs are determined by the paper, but should be within limits set by the *Garantor*⁵, and

5. The *Garantor* is entrusted with the private electronic media and the newspapers and their conduct during the campaign.

(3) specify the mechanism to prevent the hoarding of available space.

In addition, Italian legislation requires such advertisements to indicate the person or group who paid for them. There are also rules concerning content: ads that contain exclusively negative or positive slogans, direct criticism against other candidates, are too dramatic or explicitly call for votes, are prohibited. The advertisements in the Italian press are required to be informative and relevant to the political programme.

Codes of ethics

Journalists' organisations or unions in at least 29 European countries have adopted a code of ethics, yet these do not apply specifically to election coverage.⁶ The most common principles among the ethical codes relate to truth, accuracy and checking of facts; responsibility and journalistic integrity; presumption of innocence and protection of the individual; freedom of information, acquisition of information, confidential sources, and professional secrecy⁷ A fairly elaborate and recent example is the Charter of Duties of Journalists, adopted by the National Federation of the Italian Press and the National Council Order of Journalists in Rome on 8 July 1993.⁸

In addition, some newspapers have adopted internal guidelines. They sometimes deal explicitly with the coverage of elections, sometimes the internal codes are general. In France, for instance, national papers such as *Libération*, *Le Monde* and *La Croix* have adopted internal codes of ethics, which are supposed to safeguard their editorial independence and ensure objective and accurate information.

6. Laitela, T (1995).

7. Juusela, P (1991) *Journalistic codes of ethics in the CSCE countries*, University of Tampere, Department of Journalism and Mass Communication, Series B 41/1991.

8. <http://www.uta.fi/ethicnet/>

However, it seems that more often the approach towards the coverage of elections is one of a consensus within the editorial board (the general “line” of the paper, unwritten, but known by the journalists), accompanied by ad hoc decisions on how to cover the various parties and candidates (for instance by publishing interviews with all the main party leaders, reviewing programmes, focusing on some issues and the parties’ attitudes).

2. The broadcast media

The monolithic approach towards broadcasting may be somewhat obsolete. The electronic media are increasingly diversified and competitive, the audience is fragmenting. Public television in Europe no longer enjoys the dominant (or monopoly) position it once held, and is more often than not outstripped by commercial broadcasters. In addition, terrestrial broadcasters face competition from narrowcasters: (encrypted pay) channels with a targeted and limited audience, distributed via satellite or cable.

Parties and candidates running for office consider television their favourite campaigning vehicle. They stage events specifically to get air time: photo opportunities, walk-about, press conferences and election rallies (Mr Blair in a factory, Mr Blair amidst a crowd, Mr Blair talking to ordinary people, Mr Blair making a statement, setting the agenda for the day). Politicians increasingly use sound bites suitable for the evening news, and devote more and more time and resources to audience research, marketing techniques, presentation and television training.

These two developments – the proliferation of channels and the increasing professionalism with which parties and candidates run and control their campaign – are changing the face of election coverage on television in western Europe today.

In central and eastern Europe and the former Soviet Union, the situation is different and particularly varied⁹. In the front-runner countries (e.g. Czech Republic, Poland, Hungary, Slovenia, Romania), private broadcasting is established and the regulatory mechanisms are more or less independent from government influence. In other countries, however, there are hardly any private broadcasters (Croatia, Belarus) or a sound regulatory framework for private broadcasters is still lacking (Bulgaria, Russia). In most countries, the public or state television channels continue to have the widest technical penetration and often also the largest audience share. Nonetheless, it may be expected that the situation will eventually mirror the western European dual system more than it does now. Hence, in the outline below, the focus is on the experience in western Europe.

Fair and balanced

Broadcasters funded (partially) by public sources have, besides their other functions, the concurrent obligation to provide a rounded picture of the political spectrum. There is no debate about this. If there is a debate, it would be on how to ensure or enforce the impartiality of, and equal access to, the public

9. Although this book is aimed at all member states of the Council of Europe, it should be noted that for some recommendations to be implemented in some countries in central and eastern Europe and the former Soviet Union, a sea change in political attitudes and conditions for significant economic growth are required. The rule of law – its formulation and its enforcement – must be established. Regulations must be put in place, along with bodies capable of implementing them independently of political and economic pressure. The independence of the judiciary has to be anchored in society. A pluralistic media landscape, accessible to diverse interests and supported by diverse structures is needed. In some countries, the media situation continues to be characterised by structural monopolies in the electronic media, political and financial dependencies, governmental influence, and a journalistic culture in which bias is too acceptable. In these countries, genuine public broadcasting, private broadcasting and independent print media with a larger penetration, in combination with a professional training system to nurture future journalistic talent, should develop further.

broadcaster. Statutory regulation and subsequent control or broad principles combined with editorial independence and responsibility? The practice varies by country.

On one side, for instance, are Denmark, Norway and the Netherlands. There are no formal rules on media reporting during elections. The public broadcaster has the general responsibility to be objective and impartial, and has internal rules (written or not) on election coverage. The lack of statutory rules has had no distorting effect on the broadcasts, which are deemed professional and impartial both by the politicians and the public¹⁰.

In Germany, the situation is more or less the same, yet slightly more regulated. The principle of “equal opportunities” is deeply enshrined in the German Constitution, and the Law on political parties reiterates it by requiring public broadcasters to accord “equal treatment to all parties”. Formally, however, this applies only to the free political advertising discussed below, and not to editorial coverage. Political parties do not have constitutional or legal rights to fairness or participation in editorial programmes. These decisions are made autonomously by the broadcasters. Practically, the equal opportunities rule, combined with the requirement for broadcasts to be politically balanced, has induced fairness and balance in the news and current affairs programmes of the German public broadcasters, and has prevented arbitrary exclusions.

Some countries do have rules, usually contained in the broadcasting law, the election law or, in the case of several countries in central and eastern Europe and the former Soviet Union, in specific instructions from the central election commission (in which case the requirements are not ‘a Law’ and sanctions cannot be imposed). The relevant clauses would typically state things like “the public broadcaster contributes to the free

10. Euromedia Research Group, Ostergaard, B.S. (ed), (1992), *The Media in Western Europe – The Euromedia handbook*, London, Sage Publications.

forming of opinions, reflects the diversity of society and the diversity of the political spectrum in an equitable way, observes the principles of equal treatment, impartiality and objectivity, etc.”.

In some countries, the independent regulatory body entrusted with the broadcast media has had an authority over election coverage that went beyond arranging the free political advertising, and included editorial programming. The activity of the French *Conseil Supérieur de l'Audiovisuel* (CSA) prior to the May 1995 presidential elections is one case in point. In September 1994, seven months before the vote, the CSA published its requirements. The remaining time before the elections was divided into three periods, in the course of which increasingly strict rules about equality of access applied.

From 20 September 1994, the “rule of the three thirds” went into force. It implied that access would be divided as follows: 1/3 to members of the government, 1/3 to the parliamentary majority and 1/3 to the parliamentary opposition. In addition, the non-parliamentary parties had to be covered. Broadcasters (both public and private) were, in fact, required to follow the basic principle of pluralism. From 1 January 1995, the principle of balanced access applied. The goal was to enforce pluralism without forcing broadcasters into a straitjacket of rules about precise equal time. It was recognised that a candidate's past, the number of MPs of the party endorsing the candidate and his position in the electoral race were to be taken into account. The CSA also recommended that politicians were no longer to be invited to appear on non-news programmes. Finally, from 7 April to 7 May 1995 (election day), the strict principle of equality and equal access to the media went into force.

Not only did the CSA issue recommendations, it also meticulously controlled their implementation. A team of 15 observers and five analysts monitored the coverage of 30 daily news programmes and 40 newspapers and magazines. In addition, the observation of various local media was delegated. The

monitoring was conducted both quantitatively (on-air speaking time, editorial coverage and explicit support to a candidate) and qualitatively (treatment). In the course of the seven month endeavour, the CSA reminded broadcasters at various times about the rules and intervened by issuing recommendations. On the whole, the CSA concluded after the elections that the principle of equality was better respected than in previous elections, although the front-runners generally received more airtime. The coverage of the second round of the elections, between Mr Jospin and Mr Chirac, was very balanced.

In Italy, the intervention of politics into the programming of public broadcasters was perhaps even more direct. In 1994, a commission of senators and MPs was invited to dictate the rules and directly governed the programmes during the electoral period, in order to guarantee a rounded picture, impartiality and equal treatment of all parties participating in the elections. Guidelines were issued which required "equal opportunities for all parties and movements"¹¹ and a monitoring centre was installed for the entire campaign period.

As said, everybody agrees about the need for public broadcasters to be fair and balanced. However, as shown, even in western Europe the ways to achieve this are markedly different. Some countries have no rules, some have strict rules and control. Most likely, it is connected to the influence governments tend to exercise on the public broadcasters, which also varies from country to country.

Take, for example, Italy. In July 1993, the management board of RAI (the public broadcaster) was changed. In March 1994, Mr Berlusconi won the elections and subsequently, in the summer of 1994, the management board of RAI was changed again. In April 1996, Mr Prodi won the elections, and in the summer of 1996, the management board of RAI was replaced once more. In France, there is also a history of directors being

11. 19 January 1994, *Parliamentary Commission Guidelines*

replaced following political changes, although the CSA (set up in 1988) now formally functions as a buffer between media and political power. As was outlined above, France and Italy are the two countries where the attempts at regulating fairness are most pronounced.

In contrast, Denmark and the Netherlands have no rules, yet very independent public broadcasters. The appointment of directors may at some point be political – usually a consensus decision between the parliament, government and the working council of the broadcaster itself – but the director is appointed for a longer period of time and not subject to removal if the political power changes.

It seems that the perceived need for fairness regulation is inversely proportional to the editorial autonomy of the public broadcaster. Put simply, the more a government exercises influence on the public broadcaster, or has influence on the appointment of the management, the more it is felt that rules and regulation to ensure fairness and equality are needed. In fact, one can see more or less the same in central and eastern Europe and the former Soviet Union, where opposition parties have regularly called for strict rules about fair representation, which would not have been needed if the ruling party would not have had such a strong control over the state broadcaster.

In summary, general obligations of impartiality and balance are of course welcome in regulatory form, but the ultimate shape of election coverage inevitably depends on the professionalism and, in particular, independence of the journalists and the management. Public broadcasters need to be firmly established on the basis of a permanent statute, and their autonomy needs to be guaranteed by the letter of the law, and respected in spirit. Experience indicates that in such a case, strict regulation for election coverage is not required.

As stated above, the electronic media are diversifying. The proliferation of channels raises questions about the need for fair and balanced coverage on private television. With the

wide range of stations now available, or becoming available to viewers in central and eastern Europe and the former Soviet Union, one can wonder whether guidelines and obligations are still needed. After all, the scarcity argument (because there are few, they need to be balanced) is becoming less valid, and one of the reasons for not regulating the press (if people do not like the paper, they will buy another) is becoming more relevant to the broadcast media as well. Moreover, it can be questioned whether authorities can issue regulations constitutionally which effect the editorial coverage of privately owned broadcasters. Does it not breach the freedom of the media, and is it not up to the outlet's own discretion to determine their editorial policy?

Again, practices differ. In Denmark, Finland, and the Netherlands, private broadcasters are under no obligation whatsoever as regards political coverage. Germany has programming principles for private broadcasters in the Broadcasting Agreement. They state that current affairs programmes shall be consistent with recognised journalistic principles, and shall be independent and objective, and shall reflect the plurality of opinion in society. Due care and accuracy are stressed, and commentary is to be separated from news reporting. In Switzerland, rules are a little more elaborate. Journalists have an obligation to be truthful and the diversity of opinions needs to be reflected, albeit not necessarily in one programme, but rather over a period of time. The exception concerns elections: the closer the day of polling, the more balanced Swiss broadcasters ought to be. Systematically ignoring one participating party would be illegal. If complaints are not resolved, the independent complaint authority can, after a reasonable period, propose the revocation of the broadcaster's licence.

In France, the *Conseil Supérieur de l'Audiovisuel* expects private broadcasters to abide by the same principles of equality that are applicable to the public broadcaster (outlined in detail above). Their election coverage was also closely monitored by

the CSA. In Britain, private terrestrial broadcasters have to grant free airtime for political advertising, something that, in other countries, is only applicable to the public broadcasters. Also, in the course of the campaign, private broadcasters are supposed to devote additional attention to the parties in news programmes, abiding by the general rules of impartiality, balanced reporting and fairness.

Finally, in Italy the regulations state that private broadcasters “must guarantee equal treatment in electoral information programmes and services”. The *Garantor* issues specific regulations to this effect and is responsible for their enforcement. In addition, television networks are obliged to adopt and publicise a code of self-regulation. For the elections in 1994, the public broadcaster RAI and the then principal private concessionaire Fininvest (which owns three television channels, now called Mediaset) drew up a joint code. It included equal treatment for candidates, moderators were to be fair and not biased or tendentious in their questions, etc. It did not help, according to researchers from the University of Pavia¹²: while RAI (the public broadcaster) was reasonably balanced, the Fininvest channels (then owned by Mr Berlusconi) gave significantly more time to Mr Berlusconi and his party *Forza Italia*.

Much like the public broadcasters, impartiality, balance and journalistic professionalism could also be expected from private broadcasters. This particularly applies to terrestrial or cable television channels, attracting large audiences with a general programme schedule of information and entertainment. For narrowcasters, thematic channels or pay-channels – disseminated via cable or satellite – obligations are far less logical, although in Britain, encrypted channels do have to follow some rules.

12. Franco Rositi, Professor of Sociology; Giacomo Sani, Professor of Political Science; Pasquale Scaramozzino, Professor of Social Statistics.

The question is whether such fairness needs to be enforced by law. The different strategies applied in various countries point to one conclusion: it does not seem to matter a great deal. Like in the press, the impartiality and responsibility of private broadcasters is not the result of a government edict, but induced by the market. In a competitive business, there is a need to appeal to large audiences across the political spectrum and not to alienate the moderate electorate. Regulations for effective transparency of media control and against a concentration of ownership are, of course, needed to ensure diversity and independence.

For two reasons, regulations for private broadcasters should not be too rigid. Firstly, if enforced, they may breach freedom of speech. Secondly, in some countries in central and eastern Europe and the former Soviet Union, private broadcasters fulfil a useful countervailing function. The state-owned media are still too often controlled by the government and the ruling parties, and commercial television has often served to compensate for this. Rules on balanced reporting should not be used to silence critical coverage.

A balanced advantage for the incumbent?

One particular aspect of fairness in electoral coverage needs to be discussed briefly: the advantage for the incumbent candidate. This problem is particularly pronounced in some countries in central and eastern Europe and the former Soviet Union, where candidates in office receive very substantial amounts of extra coverage for ostensibly fulfilling their 'official duties'.

First and foremost, it needs to be clarified what exactly 'fair and balanced' coverage is. Should journalists dogmatically attempt to cover all contestants, including the insignificant ones, in exactly the same way, or should air time/space be divided proportionally among the parties or candidates? According to the BBC guidelines for producers:

"We recognise that many modern elections feature a range of fringe candidates who are certain to attract only

marginal support, and such candidates may be treated by programmes in a way which recognises the differences between them and the principal contenders...fringe candidates cannot expect parity."¹³

In other words, rigid equal coverage of all contestants is undesirable if it diverts attention from the more important parties or candidates. The principal parties or candidates should get basically equal and ample coverage over a period of time, while less elaborate coverage is required for minor parties (although sufficient to give them a chance to be seen and heard).

Candidates already occupying official positions should not gain undue advantage from additional coverage of their official functions. Yet very few of the countries surveyed have rules in this area. There are three exceptions. The French Community in Belgium has a fairly strict law that prohibits any governmental communication during two months preceding the elections. In urgent matters, an exception can be made, but the message should be strictly informative and can contain neither the name nor the image of government members. Malta has a *de facto* suspension of government messages, and jurisprudence about the issue. When government officials abuse their right to inform the public, and instead make political statements, the opponents are entitled to a reply. In the Russian law on elections, it is stated that it is forbidden to use the advantages of an official position.

That incumbent politicians can reasonably expect to gain an advantage in time/space is a problem inherent in the coverage of all elections. If there are no rules about it, journalists should be all the more vigilant in their approach to this issue, and should take care not to overexpose irrelevant activities or messages, or even counterbalance them. This can be provided for in internal regulations, such as the one drawn up by the Polish public broadcaster. About this issue, it says: "Special care

13. *BBC Producers' Guidelines* (1993), BBC, London.

must be taken to separate the coverage of the campaign from coverage of other public events, and not to give candidates undue exposure because of other activities they may be involved in".

Information – infotainment – entertainment?

Some scholars, intellectuals and politicians claim that because of the multitude of channels and the need to be competitive, political news is diminishing, becoming more snappy and sound-bite oriented, and less far-reaching. They say that the news programmes contain less political background and more human interest stories, and that entertainment and infotainment (a contraction of entertainment and information) programmes are increasing.

There are two questions surrounding this (possible) development. Firstly, should the law limit the amount of entertainment and infotainment? Secondly, should regulations be drawn up to ensure fairness in such programmes? As regards the first question, the point is, of course: is it true? Is there more entertainment and less news and information? It is difficult to determine, but some research has been done. In Germany, from 1989 to 1997, the amount of both information and entertainment programmes on the public channels increased. On the private channels, the amount of entertainment increased markedly, the amount of information stayed the same. The difference between the public and the private channels is profound: the latter devoted significantly more time to entertainment; a difference of over 20 per cent with the public channels¹⁴.

Some countries have regulations requiring the public channels to devote a minimum percentage of their airtime to information. In the Netherlands, for instance, the public broadcasters have to allot a minimum of 30 per cent of their air time to information

14. Barbara Pfetsch, Wissenschaftszentrum for Social Research, Berlin.

and education, and an additional 20 per cent to culture. The Audience Research Service (*Dienst kijk- en luisteronderzoek*) reports on their adherence on a monthly basis to the independent regulatory body, which is in a position to penalise broadcasters. The rule does not apply to private broadcasters.

The second question concerns fairness in entertainment and infotainment programmes. Strict guidelines for this do not seem to exist, and may not be desirable, if only to safeguard the freedom of the press. An example from Russia may illustrate the point. Based on BBC's *Spitting Image* and Canal+'s *Les Guignols*, the private Russian channel NTV created the satirical puppet show *Kukly* (Puppets). In July 1995, the procurators started a case against *Kukly* for insulting the honour and dignity of high government officials. Procurators also filed charges concerning tax evasion and illegal currency dealings against the producer of the show. NTV responded defiantly to the charges, saying it was a form of censorship. In the end, the issue blew over, and *Kukly* stayed on the air.

France has, as was stated above *en passant*, the rule that politicians should not appear on talk shows in the months preceding the elections. However, one should also recognise that a certain part of the population may not watch the 'hard news' and might be more attracted by the soft infotainment programmes. As such, these programmes have a role to play and usefully supplement news and information programmes. Put simply, seeing a candidate appearing on a talk show or, for that matter, on a quiz, may show the viewers something about the person. Prohibiting such appearances may deny them meaningful information. Of course, broad fairness and responsibility and due care can be expected from broadcasters, and this could be part of internal guidelines.

Debates

Debates have advantages and disadvantages, but on balance seem positive. On the negative side, it has been argued that

mandatory debates would circumscribe the candidates' freedom to run campaigns as they wish¹⁵, that it is not always possible to have all party leaders participating and that debates tend to 'spotlight' the party leaders too intensely (this argument applies to parliamentary elections). On the positive side, debates allow the candidates to face the public directly, they have been shown to heighten citizens' interest in elections and their levels of information¹⁶, they are a means of enabling the public to make a direct comparison of the candidates, and as such are a useful supplement to the normal news coverage.

In order to ensure the fairness of organised debates, decisions on format, participants, length, number and so on are necessary.

As for the number of participants, it is clear that in several countries, inviting all eligible candidates would create chaos and would confuse instead of inform the audience. In particular in central and eastern Europe and the former Soviet Union, there have been programmes with too many participants (up to 30 or 40). The audience was disoriented, and could not remember who had said what. Therefore, in cases where the number of potential debaters is unmanageably large and there is a real risk of viewer incomprehension or confusion, some principle of selection has to be invoked. This can be done on the basis of previous elections, a candidate's record, the number of signatures or results of reliable voting intention polls. In general, the principles guiding balanced editorial coverage – basic equal coverage for the principal candidates and parties, and recognising that fringe candidates cannot expect parity – are applicable. With 25 participating parties, four or five usually stand out.

Getting all the participants together has often been hindered by the so-called "front-runner" problem. A candidate who is

15. Ellen Mickiewicz and Charles Firestone (1992), *Television and Elections*, Aspen Institute.

16. Ibid.

ahead in the opinion polls refuses to take part, reckoning that he has more to lose than to gain. Compulsory attendance at debates is not really a viable option – politicians have the right to run their campaign as they wish. Cancelling the debate would let the front-runner get away with it, and in a way be against the public interest. The best option therefore seems to be to proceed with the debate, even if certain candidates refuse to participate. In any case, front-runners then have reason to fear that refusal might backfire.

As for the number of debates in the campaign, the book *Television and Elections* takes a sensible line :

“A series of three debates provides a candidate with the opportunity to recover from a misstep and to spell out at greater length what he or she stands for. A much wider range of issues can be introduced. The factor of accidents and luck diminishes and the real positions of the candidates come into focus.”¹⁷

Moreover, a series of debates introduces the possibility of using a range of formats, from audience questions (in the studio or over the telephone), to a panel of journalists, to a single moderator.

Within each debate, it is not necessary for each candidate to have the same amount of time to answer the same question. Each should be given the formal opportunity to state their views on the major issues raised, but much of the point of the debate is that it can enable the candidates to outshine and dominate their rivals in an unregulated (and therefore more exciting) arena of discussion. It would be positive if the above rules were acknowledged by the political parties, to prevent endless bickering between candidates, spin-doctors and broadcasters in the course of the campaign. Such discussions

17. Ellen Mickiewicz and Charles Firestone (1992), *Television and Elections*, Aspen Institute.

can, regrettably, lead to a cancellation of the whole event, as was the case in Britain recently.

Free political advertising

Should politicians be granted time in which they address the voters directly? Voters do not seem to think too much of it: audience figures for free political advertising are relatively low. Yet the answer is still 'yes, there should be'. Free political advertising is free from the risk of prejudicial journalism, and recognises the fact that elections are a direct "contract" between voters and politicians.

The question is, how it can be parcelled out equitably without overloading the audience? There are some choices to be made: equally or proportionally divided, length of the time slots, with or without an overall maximum amount of time.

Most western European countries provide proportional access. The division is usually based upon the number of seats in the parliament, with a certain minimum for non-represented parties. In central and eastern Europe and the former Soviet Union, the initial idea was to give each party or candidate the same amount of time. This was logical, since there were no criteria upon which to base a proportional division. In the absence of these criteria, equal free political advertising seemed the fair thing to do. Nowadays, several countries in central and eastern Europe have changed this to proportional access (e.g. Bulgaria, Poland).

In deciding, the key is the constitutional system and the type of elections. The greater the chance of success for the smaller and less established parties or candidates, the stronger the case for equal access, and vice-versa.

In a 'first-past-the-post' model, the number of parties likely to win seats will be considerably lower than in a system of proportional representation. The UK, for instance, has a 'winner-takes-all' constituency system. Hence, only three main parties and two regional parties are likely to win seats; proportional

access is reasonable if one does not want to grant too much time to unsuccessful parties (the notorious Raving Loony Party or the Natural Law Party). In the Netherlands, on the other hand, there is a proportional representation system, with a low threshold for entry into parliament. Only 0.67 per cent of the votes are needed to win a seat. Therefore, the case for equal access is stronger. In the 1994 Dutch elections, several new or formerly negligible parties did gain seats (Party for Elderly People). The Netherlands is one of the few Western countries to grant each election participant the same amount of free political advertising time.

The major objection to a system of proportional access is that it sustains the *status quo* by favouring those parties, which are already successful. The objection to equal access is that it grants too much time to the insignificant. Clearly, the regulations should be sensitive to the constitutional system and political developments.

Constitutional system	Division of free political advertising
First-past-the-post system	proportional
Mixed system, or a proportional representation system with a high threshold	proportional
Proportional representation system with a low threshold	equal
Presidential election (provided candidates are not too many in number)	equal

If access is proportional, regulations can use the criteria of previous electoral performance and/or the number of contested seats, while at the same time allocating a certain minimum of free time to new political parties.

One of the dangers of free political advertising is to overload the viewers with good intentions. Their time is limited, and their interest finite. This has been a considerable problem in many countries in central and eastern Europe and the former Soviet Union. Democratisation had seen the flowering of huge numbers of new political movements, parties and candidates. They received equal access, and too much of it – for instance one hour per party and 30 minutes per constituency candidate. Consequently, voters were faced with three hours of free access political advertising per day during three weeks. In addition, the form it took was off-putting. The large majority of the contestants did not have the means to shoot material themselves and to prepare a video. Hence, most were in the same studio – made available by the state TV company – sitting behind the same desk, with the same flowers next to them. They carried out a monologue, 20 minutes long, straight into the camera. Unarguably, even the most indefatigable and engaged person could not sit through it.

The above is written in the past tense, and indeed it should be hoped that regulations will be amended. There are too many examples from all over the region. The most recent comes from Serbia, September 1997. The state-owned broadcaster RTS-2 scheduled 82 special election programmes, with 235 people for a total of 48 hours in 14 days – a daunting 3 hours and 20 minutes daily. It may seem unfair to condemn the free time allocation as too generous, yet such figures demonstrate that something was seriously wrong, if not in intention, then in outcome.

There are some options to reduce the burden on the media (and on the public, for that matter).

- Limit the duration of the free political advertising. In Germany, parties receive two and a half minute slots. This prevents the simplistic and emotional spots that can be compressed into a few seconds and requires the party or candidate to go beyond pure sound bites and slogans. At the same time it is short enough to keep some viewers watching and to avert an overload.
- Five or ten minutes per week per major party could be a workable maximum.
- The total amount of free advertising can be capped, and available slots simply divided (equally or proportionally) among those eligible. Alternatively, the system could be flexible and negotiated prior to the elections, when all participants are confirmed.
- The campaigning period can be extended.

The German system, which is an example of 'good practice' is outlined below. Germany has a proportional representation system with a threshold of five per cent. Therefore, there is no great need to equalise free political advertising, and the time is divided proportionally, with a minimum for small parties. Each participating party receives two 2¹/₂ minute slots. Parties represented in the parliament receive additional slots based on their number of seats. The distribution in 1994 was as follows:

- Two main parties (CDU and SPD) both got eight spots
- FDP, Green Party and three others all got 4 spots
- Republikaner got 3 spots
- Other parties (15 in total) got two spots

Even though there were 21 parties, the free advertising was limited to a manageable total of 65 spots of 2¹/₂ minutes or a reasonable 162¹/₂ minutes.

Some other relevant regulation for free political advertising says that

- Free access time and space should be clearly separated from editorial material. It should be sandwiched by announcements

saying something like “this is/was the free electoral presentation on behalf of such-and-such a party”, or “party X is/was exclusively responsible for the content of this advertisement”

- Basic studio facilities should be made available to parties and candidates, in case they cannot afford externally made productions.
- The order of slots on radio and television or presentations in newspapers should be randomly determined.

Finally, in most countries, political parties are themselves responsible for the content of the political advertising (both practically and legally). Nonetheless, some countries have rules. Belgium, for instance, requires the ads to be “positively structured, not discredit other parties nor personally attack their candidates”. This is an option to explore in case of dissatisfaction with current practice.

In all countries, even when there are no content requirements, the political advertisements should not contain incorrect allegations, or contravene laws against the inflammation of racist, nationalist and criminal sentiment. The question is whether the broadcaster should have the authority to preview the free access broadcast.

Germany is the country with most jurisprudence on this subject. TV channels were afraid that by broadcasting a spot for the extreme right wing party, they would *de facto* be accessory to the crime. Hence they wanted to reserve the right not to show the spot in case of obvious violation of the law. However, the parties concerned went to court and succeeded in obliging the TV channels to broadcast their advertisements. German jurisprudence says:

“It is not within the power of the TV channel to deny an election spot with the argument that the content appears unconstitutional, since the competence to decide upon unconstitutionality of a party and its messages lies only with the Federal Constitutional Court”.

Previewing free political advertising is an avenue which can be explored, but decisions not to broadcast apparently rest with the relevant court. It is certainly important for regulatory mechanisms (instant redress, sanctions) to be available after transmission (or publication, in case it concerns the print media).

Paid political advertising

The debate about paid political advertising sometimes seems to degenerate into a dead-end dispute between people advocating freedom of expression, and people who want to protect equality of access from politicians with fat wallets.

The issue should, however, concern the public interest rather than dogmas, and should therefore focus on experiences instead of principles only. In spite of the fact that this publication is about the regulations in Europe, in this case the practice in the United States cannot be ignored, especially considering the current controversy about campaign financing and political advertising.

American scientists, policy makers and journalists are divided over the issue. Some argue that paid advertising allows direct access to the electorate, that it can help the unknown to become known, and that limitations would breach freedom of speech. They have the Constitution to back them up: when Congress wanted to limit campaign expenditure in 1976, the Constitutional Court ruled that this would violate the First Amendment. Others claim that the expensive television commercials necessitate excessive fund-raising, that it grants legal protection to inequality (those with bigger chequebooks can buy more time) and that it could be better replaced by a fair system of free advertising. Currently, many people appear dissatisfied with the overriding importance of fund-raising and paid political advertising in the election campaigns. Meetings with the president are for sale, politicians (including the

president himself) are continuously busy finding new money, campaigns as a whole are getting increasingly expensive, political advertising on television is growing exponentially and donations may have an influence on policy and threaten the independence of the executive power. The idea that politics is sliding off into a financial arms race has raised serious doubts about the need for reform.

For those reasons and some outlined below, paid political advertising is not a widespread practice in western European countries. (Italy and Portugal are exceptions). On the other hand, in central and eastern Europe and the former Soviet Union, it is normally allowed. There are some reasons for this. Theoretically, with many new parties, paid ads could supplement the editorial coverage and allow voters to distinguish between them. Also, if state control of the media is still palpable and there is systematic bias, the need to give politicians the chance to speak for themselves is especially important. Practically, two reasons paid advertising was allowed in central and eastern Europe and the former Soviet Union were that (1) it brought advertising income for struggling media outlets; (2) if prohibited, the advertising would most probably have been hidden – concealed as editorial material.

The following pros and cons are central to the debate :

Against paid political advertising

- There is diminished equality of opportunity. Politicians with substantial financial backing will be able to buy more time/space, they will be more visible and they will conduct a campaign beyond the means of others. The advantage for politicians with more money is considered undemocratic.
- Experience in countries where political advertising is allowed indicates an increasing need for fund-raising – in particular because of the high costs of broadcast advertising – and a continuing rise of the amount of political advertising. Politics seemingly degenerates into a financial arms race.

- Sponsorship raises questions about the possible debts (literal and figurative) which the politician incurs to his/her sponsor. Wealthy groups and individuals can buy access to the executive branch of power.
- Unregulated political advertising tends to lead to personalisation of the campaign; candidates can rely on media manipulation, rather than the coherence of their election platforms.
- In some countries in central and eastern Europe and the former Soviet Union, the control mechanisms (e.g. on maximum expenditure) have not been very efficient, and there have been serious allegations about the financing of incumbents' advertising (from the state budget).

In favour of paid political advertising

- Limiting paid political advertising is in contradiction with the freedom of individuals to express themselves as they wish.
- The chance to buy airtime enables new candidates to obtain recognition and a profile which might otherwise be unattainable. This can constitute a healthy challenge to the incumbent politicians.
- Politicians should have direct access to the media, whether paid or free. However, since free advertising would imply governmental interference in the media, threatening their independence, paid advertising is preferable.
- In new democracies, paid political advertising may prevent hidden advertising and can usefully supplement the (sometimes unfair) editorial coverage.

Assessing the arguments

Some arguments in favour of paid political advertisements are less valid if there is well-regulated free advertising. Firstly, if candidates already receive airtime for free, there is less need for paid time as a means of direct communication with the

voters. Secondly, free access may allow the unknown to become known, *without* requiring them to have deep pockets. New candidates obtaining recognition currently have to have a lot of money, and it can be questioned whether that is entirely democratic, in other words, whether that encourages the best politicians.

The argument that free time represents a threat to the independence of the media, is not confirmed by experience. There have been no complaints about undue interference as a result of free time regulation and allocation (usually implemented by apolitical bodies or the Central Election Commission).

The arguments against are less easy to dismiss. In the United States, the current dissatisfaction with the situation is one case in point. The growing importance of and need for fund-raising and political advertising are serious and genuine concerns. Experience in other countries also shows that some parties could run a campaign far beyond the means of others. Yet these are arguments for the improved regulation of paid advertising – limiting it – rather than for its complete abolition.

Principle arguments against paid political advertising – “politicians should not advertise themselves” – may be heartfelt without being entirely consistent. Print media advertising and billboard advertising are usually allowed and are relatively unrestricted.

It is not in the brief of this publication to recommend or discommend paid political advertising. If it is allowed, though, the key point is that it should be well-regulated. As Mickiewicz and Firestone put it: “Allowing paid political advertising on the air need not induce passivity and helplessness in shaping some rules that are believed to serve the public.”¹⁸

18. Ellen Mickiewicz and Charles Firestone (1992), *Television and Elections*, Aspen Institute.

- The United States, where the paid access advertising system is perhaps the most deregulated of all, still has the equal opportunities rule to protect equality of access. If a TV channel sells time to candidate A, it must provide candidate B with an opportunity to purchase comparable time at an equal rate. Hence, broadcasters cannot charge different candidates different prices. Italy has more or less the same rule, as was outlined in the section on political advertising in the print media. Private TV channels in Italy have to announce the prices and conditions for reserving airtime before the start of the campaign. Again, as a rule of thumb, the most favourable conditions offered to one candidate or party should be applicable to all.

- The United States also has the lowest unit rate rule. It requires that 45 days preceding a primary election, and 60 days before the general election, charges made to legally qualified candidates for advertising must be the lowest unit price. In other words, if a candidate wants to buy time for a 30 second political ad at 8pm, the station must charge him/her the same special (discount) rate it would levy upon a large commercial advertiser (for instance Coca Cola). The intent of this rule is to reduce the costs of campaigning while providing TV stations with a reasonable compensation for their airtime.

- In combination with the above two rules, a spending ceiling could be set. On the positive side, a spending limit could take away some of the disadvantages outlined above (excessive need for fund-raising, inequality of opportunity), while preserving some advantages (challenge the incumbent, unknown can become known). On the negative side, it may still theoretically breach freedom of speech and it may be difficult to control or enforce.

In Lithuania and Russia, paid advertising has been limited by a general ceiling on campaign expenditure. Whilst this is arguably the fairest method – registered parties or candidates can raise funds up to a certain point and then spend it as they

wish – it is also difficult to control, as was evidenced prior to the December 1995 parliamentary elections in Russia.

The Russian Central Election Commission instructed that all funds were to flow through special temporary accounts in Russia's Sberbank. Political parties could spend a maximum of \$2.4 million. The European Institute for the Media conducted quantitative analysis of the paid time on the federal broadcast channels. Combined with the stated costs for advertisements per minute on these channels, it was concluded that some parties amply exceeded the spending limit for election campaigning.¹⁹ And that did not include all their other election activities. The auditing service of the CEC was supposed to monitor the expenditure, but if this control mechanism existed, it kept a remarkably low profile. Laxity of the financing rules and donations that were not accounted for (i.e. never reached the Sberbank account), combined with the inability of the CEC to check, may explain why some parties could get away with the overspending.

This indicates that, if an overall ceiling on expenditure is in place, there is a genuine need for transparency in the financing of political campaigns, and an effective control mechanism.

- Alternatively, it could be decided to limit the amount of airtime that parties or candidates can buy. It has the advantages of a general spending limit, but can be controlled without trouble. The number of spots on television is counted quite easily, whereas the 'overall campaign expenditure' is more difficult to check (how much is spent on the organisation of rallies; whether conducting opinion polls is part of the campaign; etc.).

Several countries have regulations of this kind. In Canada, for instance, the amount of advertising that parties can buy is

19. *Monitoring the media coverage of the 1995 Russian parliamentary elections*, final report, European Institute for the Media, 15 February 1996.

related to the number of seats in parliament, and non-represented parties can still buy some time. This system, however, seems to favour the established parties and serve the *status quo*, whereas, *par excellence*, paid advertising ought to be able to challenge this. In Poland, the permitted amount of paid advertising is related to the allocated free time (15 per cent,

to be precise). This option is explored in other countries too. Yet if the free time is granted proportionally instead of equally, this rule will also favour the established and represented parties.

If the amount of airtime that parties or candidates can buy is equal for all, it is probably the fairest option. It allows newcomers to challenge the status quo, while at the same time limiting the excrescences of fund-raising and paid advertising.

- Two options for content regulation may also help to diminish some of the negative impact of paid political advertising. Both are taken from the book *Television and Elections*. Firstly, a set minimum length of two minutes for paid ads could help to avoid the simplistic, emotional and sometimes misleading spot advertisements (see also the 2½ minute free ads). Secondly, requiring that the candidates appear for a high percentage of the time in their own ads may limit the manipulative and emotional character of paid political advertising.²⁰

Finally, some of the regulations that apply to free political advertising apply to paid ads as well. For instance, the spots need to be sandwiched between disclaimers, and there needs to be the opportunity for instant redress, rebuttal or reply. This also implies that spots should perhaps not be permitted after the time when the right of reply can no longer be granted. In practice, this means that paid access should not be available on the day before polling.

20. Ellen Mickiewicz and Charles Firestone (1992). *Television and Elections*, Aspen Institute.

Regulatory bodies

All countries in Europe (with rare exceptions) have assigned the key areas of regulating the television sector to so-called independent regulatory bodies.²¹

These bodies have various functions: to grant licences to broadcasters; to supervise broadcasters' activities; to set certain rules – for example, codes of practice; to impose sanctions if necessary; in some cases they may have quasi-legal powers, for instance in the case of viewers' complaints. In other words, these regulatory bodies have an important role to play in enforcing the various regulations outlined above.

Their competence varies from country to country, yet the most applicable are:

- Act as a consultant in the framing of regulations regarding free and paid access (prior to the elections).
- Work with journalists and media outlets to form a campaign code of practice (prior to the elections).
- Supervise the random allocation of free advertising and oversee its implementation.
- Supervise possible regulations affecting paid advertising (equal opportunities, ceiling, content) and ensure adherence to the rules.
- React to complaints from parties and candidates regarding the provision of such access.
- Supervise the right to reply with regard to free advertising, paid advertising and editorial coverage. If the relevant media outlet refuses to carry a reply, a statement can be issued.

21. Serge Robillard (1996). *Television in Europe: Regulatory Bodies – status, functions and powers in 35 European Countries*. European Institute for the Media; John Libbey, London. [this section draws heavily on the conclusions of this publication].

- Identify infringements of the electoral law on the part of the media, and pass information about violations onto the electoral commission.
- Monitor the breakdown of editorial coverage of the elections between parties and candidates, and identify clear instances of impartiality.

These tasks may require close observation of the entire process. The French *Conseil Supérieur de l'Audiovisuel* (CSA) therefore wrote in its own annual report "The function of monitoring is one of the nerve centres of regulation. The legislation and the rules, the commitments and obligations [...] would be scarcely effective if it were not possible at all times to ensure they were being respected."²² It was already described above how closely the CSA monitored the coverage of the elections. However, not all regulatory bodies observe the output of the broadcasters as closely as the CSA.

The effectiveness of monitoring depends on the sanctions and on the resources available to the regulatory body (as was evidenced by the example from Russia, outlined above). Reviewing the mandate of the bodies throughout Europe, it can be noted that in the majority of cases, the different degrees of sanctions are alike. They start with a direct or public warning, possibly accompanied by a request to broadcast a correction or apology. Subsequently, the regulatory body can impose fines. Finally, the incriminated programme can be suspended or, most severely, the licence to broadcast can be revoked altogether.²³

In particular, the more severe sanctions such as suspension of programme or licence require the independence and autonomy of regulatory bodies, if such powers are not to be open to abuse. Statutory powers are not an attractive option in countries where

22. CSA, 3rd Annual Report, 1 Jan – 31 Dec 1991, p. 195.

23. Serge Robillard (1996). *Television in Europe: Regulatory Bodies – status, functions and powers in 35 European Countries*.

an independent judiciary and an established legal framework for the activities of the media are absent. To be effective, the authority of the body needs to be recognised by the entire branch and all the players: public (or state owned) and private broadcasters, government, parliament and judiciary. To fulfil its crucial functions and to gain credibility, the body needs to be autonomous in its decisions and needs to be apolitical.

The independence of the regulatory body can probably not be guaranteed solely by law. Respect for such autonomy also requires the responsibility and integrity of the executive and legislative power. This is indicated by the role of the executive and legislative power in the nomination of the representatives to the regulatory bodies. In most cases, the government, ministers or president are directly responsible, either exclusively, or in consultation with the parliament (France, Romania, and Poland). Sometimes, only the parliament is responsible (Czech Republic, Estonia, Iceland, Lithuania, Slovenia). In rare exceptions, the judicial power is involved (the *Garantor* in Italy needs to be a former magistrate). In even rarer cases, the 'civil society' is consulted (Germany).

However, the fact that the chairpersons of the Independent Television Commission and the Broadcasting Complaints Commission in the United Kingdom are nominated exclusively by the executive power, does not mean these bodies are either dependent on the government, or under their influence. The representatives' tenures are fixed, the autonomy of the body is recognised, if not by the letter of the law, than certainly by the spirit. Currently, several countries in central and eastern Europe and the former Soviet Union attempt to provide legal frameworks which would guarantee the independence of the regulatory body. For instance, appointments of the representatives are balanced between parliament, the government and (sometimes) others; or are made completely apolitical, from certain lists of non-affiliated persons, or by consensus between various players. This somehow reflects the fear that the bodies are in fact not independent.

Right of reply

The need to rectify incorrect information and rebut false allegations within the brief time-frame of an election campaign gives weight to the argument for enabling an instantaneous right of reply.

In most countries it has been decided that the normal procedures for the right of reply – usually contained in the press law or law on information – suffice. In Bulgaria and Slovenia, on the other hand, the brevity of the election campaign is recognised and the need for an urgent response is stipulated by law (24 hours in Bulgaria, and a court decision within three days in Slovenia). In Lithuania, in cases where a weekly publishes inaccurate information in its last issue before the elections, the weekly has to pay for the reply in another outlet prior to the day of polling. In Russia, on the contrary, the need to treat requests urgently during the campaign is disregarded, since the reply officially only has to be granted within one month.

There is a slight difference between a rectification and the right of reply. Normally, in the event of the publication or transmission of factually incorrect information (inadvertent or not), the responsibility for the rectification rests with the media outlet concerned. Put simply, inaccuracies are corrected by the media outlet, if necessary, after other parties draw attention to them. The right of reply, on the other hand, should be applied after publication or transmission of false allegations, the truth of which is disputed by the party or candidate against which the allegation is made.

If the editor-in-chief refuses to rectify or grant the right of reply, the case should be referred for arbitration. There are several possible methods of arbitration. It could be undertaken by a journalistic self-regulatory body, in cases where this body is recognised and respected by all media outlets – for example the Press Complaints Commission in Norway. In most countries, the request can also be referred to the courts. During the course of an election campaign, some countries have laid

down the possibility of appealing to the electoral commission, or a board/council specifically entrusted with fair representation in the media. In such cases, these bodies should have the means to enforce their own decisions, and do so swiftly.

In the event that a right of reply is granted, it should appear free-of-charge in the same media outlet, with the same degree of prominence (same channel, time and programme or same page, font and length) and be clearly marked as a response to the allegation. Given the brevity of the election campaign, there should be legal mechanisms for the instant redress and further sanction of items which contain incorrect allegations, and contravene laws against inflammation of racist, nationalist and criminal sentiment. The above provisions can be contained in the election law.

The Personal Attack Rule in the United States of America stipulates that when an attack is made upon the personal character or qualities of an identified person or group during a discussion of controversial issues of public importance, the broadcaster must tell the person or group attacked, and offer a reasonable opportunity to respond. It does not cover attacks that are uttered in the course of news programmes or on-the-spot coverage of breaking news, nor does it cover attacks made by candidates or their spokespersons. It does cover editorials and analytical programmes.

Defamation and libel are not usually subject to the right of reply. Deliberately discrediting someone generally leads to (moral or financial) damages, rather than the opportunity for rectification. Moreover, these matters are usually referred for arbitration by the relevant courts, rather than settled by the media outlets and the complainant, with or without an independent self-regulatory body as a big stick.

Going negative...

Negative campaigning seems to be a spreading disease for which there is no legal medicine as yet.

There are numerous well-documented examples of candidates discrediting their opponents, qualifying them as incompetent or unreliable ("they did not keep their promise") or linking them with gloomy memories or fears about the future. There were, for example, Boris Yeltsin's advertisements in 1996, or the notorious spot produced by Romanian presidential candidate Ion Iliescu in 1996. This portrayed his rival, Emil Constantinescu, as a monarchist, merged his face with that of King Michail, and had the pay-off "Do you want to elect a president who wants to be replaced by a king?"

It should be noted that, on the whole, negative campaigning is more prevalent in a two-party winner-takes-all system, than in a proportional representation system, where the opponent of today may be the government partner of tomorrow. In this sense, a proportional representation system has an alleviating effect.

Although scholars, politicians and legislators have regularly explored the possibilities of curtailing negative electioneering, there does not seem to be an easy answer. No member state of the Council of Europe has adopted legislation specifically aimed at limiting the practice of, as spin-doctors call it, 'going negative'. Negative campaigning is difficult to define and impalpable. Overly strict rules could breach freedom of speech and as such would be unconstitutional; lenient rules would be largely ineffective.

Nonetheless, there are three possible remedies. The first is to alter the boundaries of the existing laws (defamation, libel) and the right of reply. If desired, the Personal Attack Rule, outlined above, could be adopted and expanded to include personal attacks of candidates on each other during the election campaign. The need for a reply with the same degree of prominence could also be included.

The audience is the second possible remedy. Negative campaigning will cease when the audience no longer accepts it. Indeed, messages can backfire; and have done so in the past.

The 1994 Italian example is probably most illustrative. For months, with all the instruments at their disposal – television, newspapers, cinema, university *podia* – the Left tried to discredit Silvio Berlusconi, the leader of *Forza Italia*. They called him “the black night”, “the little South-American dictator”, “an inverted Robin Hood”, “a charlatan”, and finally “a mafioso”. Lucio Colletti, a left-oriented philosopher, wrote during the campaign “Never indulge in the temptation to make your adversary the enemy of the people. Denigration can become a boomerang”. Indeed, in a sea change of Italian politics, Berlusconi became (for a brief period, but it’s Italy) prime minister.

Finally, spin-doctors seem to feel that negative campaigning can pay off, if only because it gets their party or candidate in the news. “Media are likely to pick it up, and it is the prime way we get reported”, a campaigner in Britain recently said. This is food for thought for the media themselves, who could consider adopting internal codes to exclude blunt personal attacks.

Opinion polls

Public opinion polls have become part of politics, even when there are no elections in sight. They should be reported, yet with due care.

For the sake of clarity, one should distinguish between specific ‘voting intention polls’ (predicting the outcome of elections) and the broader term ‘opinion polls’ (position / attitude of the citizens about an issue, but also used to describe voting intention polls). The general opinion polls are commissioned by media outlets, political parties, sociological institutes, non-governmental organisations, lobby groups and various others. They are used by the media to inform the audience about attitudes in society. Political parties use (their own) opinion polls to seize on apparent shifts in the public mood. As such, opinion polls can almost become unimplemented referenda.

The voting intention polls have become political barometers all year round. They indicate the popularity of political parties/candidates, show 'approval ratings', and suggest the outcome of elections, had they taken place the day the poll was conducted. The voting intention polls are commissioned mainly by media outlets and political parties. The parties use the polls to devise their strategy, assess the functioning of their leaders and so on. The media confront party-leaders with poll results and invite reactions from their opponents. Indeed, campaign reporting increasingly focuses on the "horse race" between contestants: who is ahead, who is likely to win? As such, poll results could increasingly frame the coverage of the election campaign.

The reporting of opinion polls and in particular voting intention polls are sometimes subject to external regulations (laws, guidelines from regulatory agencies) or internal codes. The prime reason for adopting rules is the presumption that predictions about citizens' attitudes and the election results are likely to prejudice the outcome of elections. For instance, citizens may not be inclined to vote for candidates who stand no chance of winning. But polling results can also influence the actual coverage of the elections (see 'How to report opinion polls' below).

There are four key questions about the reporting of predicted results that have excited debate and led, in some countries, to regulations and, in others, to internal guidelines within media organisations.

- **Demand professional standards of polling organisations?**

Conducting a reliable opinion poll is a difficult task, and the results can differ from the actual outcome. Whilst in Western Europe, the pollsters nowadays manage to keep the margin of error within a few percentage points, in central and eastern Europe and the former Soviet Union, voting intention polls

have often been notoriously unreliable. In Russia, for instance, the various polls conducted prior to the presidential elections in 1996 differed by up to 15 per cent in their predictions of the popular support for the candidates. Considering the influence which voting intention polls can have on the outcome of the elections, it can be questioned whether there should be rules to reduce the likelihood of inaccurate predictions.

In Portugal, opinion polls can only be carried out by accredited organisations. Nonetheless, these rules have been breached: organisations lacking the due facilities have carried out polls without consequences. However, Portugal is an exception. Other countries do not have such provisions. There are no prerequisites for sample size, number of respondents, minimal margin of error, etc. It is expected that unreliable polling organisations or sociological centres will be filtered out. In the UK, experienced and reputable pollsters, such as Gallup, Harris, ICM, etc. have drawn up a common code of practice. Credibility goes a long way, both for pollsters and media outlets. The BBC, for instance, only reports on polls which it considers "reputably conducted". This depends, according to the BBC, on the sample size, type and margin of error (below three per cent).

- **How to report opinion polls?**

There are various reasons for media outlets to report about voting intention polls with a high degree of caution. Firstly, the reporting of voting intention polls imparts an unintended bias on campaign coverage. The polls dictate who is newsworthy, and who is not. Parties/candidates who appear to have a chance of winning or significantly affecting electoral outcomes are "big news", while others receive little, if any, media attention. Secondly, the reporting of polls may add to their credibility, and, consequently, to their inadvertent influence on the electorate. Stating with certainty that "The polls show Mr Mitterand likely to win" may affect voters' intentions. Due care is therefore desirable.

Less emphasis on the horse race and more on the content is a fine goal. Yet the audiences' time is scarce, news is getting more flashy and appealing. Voting intention polls fit the frame. Is statutory regulation needed to change this? Legislators do not seem to think so. There are no binding laws prohibiting the reporting of polls altogether. Moreover, there are generally no laws prescribing media outlets 'to be cautious', or 'to avoid adding credibility to polls'. This is left to the discretion of the media outlets.

Several outlets have, indeed, adopted internal guidelines. The BBC, for instance, laid down a series of rules, stipulating that (a) reporting of opinion polls should not headline a programme; (b) the BBC interprets the poll, and does not use the pollsters' interpretation; (c) language that adds credibility to the polls is avoided – e.g. 'suggest' instead of 'show'; (d) the margin of error is reported, and when the difference between two contestants is within that margin, this is mentioned. Various Dutch quality newspapers have a similar, yet unwritten, internal agreement not to write about poll results on the front-page.

In addition, the BBC suggests the provision of supplementary information, which is much like the information that the Russian Central Election Commission demanded in 1996: the name of the polling organisation, date of polling, sample size and regional spread, the method used and the formulation of the questions.

Prohibiting the reporting of voting intention polls altogether would deny the audience meaningful information on the progress of the campaign. It has, justifiably, not been deemed a serious option. Considering the improving quality of the polls, the need for the pollsters themselves to remain credible and the due care that most reputable media outlets already take in reporting them, regulations in this field are generally regarded as unnecessary. Internal guidelines on reporting opinion poll results – as outlined above – could be encouraged.

One regulatory possibility to consider is the right of reply in cases where polls were deliberately manipulated.

- **Cease to report polls for a certain period before election day ?**

There is a widespread feeling that people prefer not to side with the underdog. It may be best illustrated by a quote from someone in Serbia, September 1997: "First everybody voted for Milosevic, so I voted for Milosevic. Now everybody votes for Seselj, so I vote for Seselj too". If so, opinion polls could prejudice the outcome of elections. After all, if a candidate is low in the polls, some people would prefer not to vote for him/her.

This presumption has led, in a number of countries, to restrictions on reporting. In these countries, the media are not allowed to report about the results of voting intention polls for a certain period of time before election day – ostensibly to allow voters time to reflect and make up their minds, without being influenced by predicted results.

However, there is a kind of schism in Europe. Western European countries typically do not have regulations concerning the publication of poll results, whilst most countries in Eastern Europe do have a certain period of "pre-election opinion poll silence". The length varies – two days, three days, one week. Lithuania and Luxembourg are the odd ones out: respectively the entire campaign period and the month prior to the election.

Until 11 February 1997, Bulgaria prohibited the reporting on opinion polls for 14 days before the elections (for parliamentary elections). However, the Constitutional Court decided that this rule contradicted Article 41 of the Constitution (freedom to receive and distribute information) and there is no longer a silence on opinion polls, except for the day of the elections.

Country	Regulation regarding the publication of opinion polls before election day
Austria	No rules, but self-restraint requested for seven days before election day.
Belgium	No rules
Bulgaria	No rules (fourteen day poll silence ruled unconstitutional on 11 February 1997)
Cyprus	No rules
Denmark	No rules
Finland	No rules
France	Silence one week
Germany	No rules
Iceland	No rules
Latvia	Silence two days
Lithuania	Silence throughout the entire official campaign period.
Luxembourg	Silence one month
Malta	Silence (general) two days
Netherlands	No rules
Norway	No rules
Poland	Silence twelve days
Portugal	No rules
Romania	Silence two days
Russian Federation	Silence three days
Slovakia	Silence seven days
Slovenia	Silence seven days
Switzerland	No rules
UK	No rules

Whether rules are really needed is difficult to determine. The causal influence of poll results on voter outcome is impossible to substantiate. However, if countries decide to opt for a "poll-silence", one day is probably not enough. With elections on, say, Sunday, poll results released on Friday are still floating around on Saturday. A period of three to five days is probably long enough to move the issue to the background, and short enough to prevent a high number of people from circumventing it (e.g. via Internet or foreign broadcasters).

- **How to report exit polls and preliminary results?**

Exit polls are surveys conducted on the day of the elections outside the polling station. Simply put, they do not predict what people intend to vote, but what people have voted. In all countries, media outlets refrain from reporting upon exit poll results before all polling stations are closed. This is simple and sensible. Even though exit polls also merely suggest the possible results, undue influence on the outcome on election day itself is deemed undesirable. In several countries (e.g. Norway, Portugal, Romania), exit polls are governed by law. In other countries, rules are often contained in the election law (e.g. Germany).

In France, the television channel France 2 was strongly condemned by the *Conseil Supérieur de l'Audiovisuel* for reporting results before the close of polls at 8pm in the first round of the 1995 presidential elections. In Bulgaria, the Central Election Commission decided in April 1997 that exit polls can only be conducted outside the polling station, and only after people had voted, and should not be reported before the closing of the ballot boxes.

The latter also applies to preliminary election results, in particular in countries which stretch across several time zones (i.e. Russia). The counting in Vladivostok should not be reported upon before the polling stations in Moscow have closed.

Election campaign silence: sense or nonsense?

There are two periods in the course of which a 'campaign silence' could apply: (a) between the announcement of the election date and the official start of the campaign, the "pre-electoral period", and (b) one or two days before the elections.

Election campaigns are becoming longer. The United States' experience, where the end of one campaign often seems to be the signal for the start of the next, is regarded as somewhat unhealthy in Europe. Nonetheless, there is a tendency towards lengthier, almost permanent, campaigns in Europe too. This permanent campaign culture, in which parties and candidates devote a significant amount of time to presentation, packaging their message and getting it across consistently even between elections, may not be desirable for public debate. Nonetheless, there are reasons to question whether recommendations to curtail this practice would be sensible.

Firstly, it seems very difficult to enforce such regulations. One would have to determine what exactly is 'electoral activity', even though there obviously is a thin line between normal political messages and electioneering. Also, one could say that it is a political party's legitimate right to attempt to get their message across, as favourably as possible, even between elections. And media outlets can hardly be blamed for covering news stories, even if they were created by a party simply to be reported and gain popularity.

Secondly, the definition of 'electoral period' varies significantly between countries. Most countries do not have a clear-cut definition (e.g. Germany, Finland, Iceland, Netherlands, Romania, Poland, Switzerland) and the campaign period more or less starts with the announcement of the elections. In these countries, there is no formal distinction between 'pre-electoral period' (from announcement to elections) and 'official campaign period' (which in some countries starts about four weeks before voting day). In practice, the electioneering always intensifies in the weeks before the vote.

Finally, such regulations may be open to abuse or have a counterproductive effect, especially in some countries in central and eastern Europe. Simply speaking, if candidates are restricted in their attempts to get in the news, the only ones on TV will be the incumbent officials, carrying out their "duties".

In a significant number of countries (especially central and eastern Europe and the former Soviet Union) it has been decided to have one or two days 'campaign silence' before voting. On these days, the elections are not reported upon at all. Candidates do not hold rallies, promises are not made, the party-leaders do not appear on television (or, at least, are not supposed to). It is meant to allow voters "time to reflect". At least for a day, citizens are not exposed to electioneering.

During monitoring missions of election coverage in central and eastern Europe and the former Soviet Union, it was noticed that the campaign silence is generally observed according to the letter of the law, yet breached in spirit. The 1996 presidential elections in Russia provide the most blatant example. The two front-runners were Gennady Zyuganov of the Communist Party, and incumbent candidate Boris Yeltsin. The president's strategy was to create fear about a return to communism. On the eve of the elections, the 51 per cent state-owned channel ORT showed "Burnt by the Sun", the 1995 Oscar-winning film about Stalin's terror. The private channel NTV broadcast a 1992 thriller about the ties between organised crime and the communist party. And fully state-owned RTR aired a movie based on one of Bulgakov's novels about the atrocities during the Revolution and the ensuing civil war. So, on prime-time television and in apparent violation of the ban on campaigning, all three main national networks broadcast a film about the gloomy and repressive communist past.

It indicates that campaign silence, even if provided for by law, has been easily circumvented by scheduling "non-election programmes", or by showing government officials carrying

out their “official duties” (a very favourable report about the economy presented on Saturday evening, for instance). In such cases, the campaign silence only had a distorting effect. However, if broadcasters are truly independent and distanced from the government, as is often recommended they should be, their responsibility will ensure that the silence is observed. Voters may then indeed have a day to reflect.

3. Conclusions

In the previous sections, examples of no rules, some rules, self-regulation and legislation regarding the coverage of elections have been provided. Different countries have chosen different approaches, often depending on the media situation, the constitutional system, the political circumstances and the legal traditions.

It is not in the brief of this publication to draw conclusions about “best practice” or to recommend certain strategies. Rather, it should be up to the reader to review the possibilities and see which lessons can be learned by comparing the experiences in various countries.

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The way in which the media cover an election campaign is a topic of crucial importance, as the media are a major source of information and an important platform for discussion during elections. This handbook provides an overview of the main issues that arise in this area. For example, whether private broadcasters should be impartial in their coverage of the campaign, how free airtime should be divided among political parties, the acceptability of paid political advertising, and the manner in which voting intention opinion polls should be broadcast or published by the media. The handbook provides examples of different laws and practice on these issues among European countries. It is an easy-to-read booklet, which is accessible not only to the specialist in media and electoral regulation, but also to the layman.

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