



*Consolidated regulations*

The Independent Communications Authority of South Africa has consolidated and published these regulations on the following website

[www.icasa.org.za](http://www.icasa.org.za)

**NATIONAL AND PROVINCIAL ELECTIONS BROADCASTS AND POLITICAL  
ADVERTISEMENTS REGULATIONS**

These are the consolidated National and Provincial Elections Broadcasts and Political Advertisements Regulations, 2014 as published by Government Notice No. 101 in Government *Gazette* No. 37350 of 17 February 2014, as amended by Government Notice No. 245 (Government *Gazette* No. 42249) of 25 February 2019, Government Notice No. 534 (Government *Gazette* No. 42374) of 2 April 2019, Government Notice No. 4443 (Government *Gazette* 50204) of 26 February 2024 and Government Notice No. 4744 (Government *Gazette* 50529) of 17 April 2024.

**April 2024**

## SCHEDULE

### 1. DEFINITIONS

In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Electronic Communications Act, 2005 (Act No. 36 of 2005) will bear such meaning, unless the context indicates otherwise:-

**"the Act"** means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

**"the Authority"** means the Independent Communications Authority of South Africa, established in terms of section 3(1) of the ICASA Act;

**"Broadcasting Act"** means Broadcasting Act, 1999 (Act No. 4 of 1999);

**"BSL"** means broadcasting service licensee;

**"CCC"** means the Complaints and Compliance Committee established by the Authority in terms of section 17A of Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

**"CCC Regulations"** means the Regulations Governing the Aspect of the Procedures of Complaints and Compliance Committee of the Authority, published in the Government Gazette No. 33609 Notice, No. R886 on 6 October 2010;

**"Constitution"** means the Constitution of the Republic of South Africa 1996;

**"Current Affairs Programme"** means a programme that is not a news bulletin but which focuses on and includes comment on and interpretation and analysis of issues of immediate social, political or economic relevance and matters of international, national, regional and local significance;

**“Election Broadcast Period”** means the period within which political election broadcasts may be transmitted, such period commencing after the publication of the PEB slots by the Authority and ending 48 hours before polling commences;

**“Election Period”** means the period commencing with the date on which the election day is proclaimed and ending on the day immediately following upon the day on which candidates of any of the political parties are declared elected;

**“Electoral Act”** means the Electoral Act, 1998 (Act No. 73 of 1998);

**“Electoral Code”** means the Electoral Code of Conduct as set out in Schedule 2 of the Electoral Act;

**“ICASA Act”** means the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

**“Independent candidate”** means a South African citizen contesting an election and who is not nominated on a list of a party contesting an election;

**“News”** means programming that is not current affairs by a broadcaster in which it reports on news events of immediate social, political or economic relevance and on matters of international, national and local significance;

**“PA”** or **“Political Advertisement”** means an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party or independent candidate, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration;

**“PEB”** or **“Political Election Broadcast”** means a direct address or message broadcast free of charge on a broadcasting service during an election period and which is intended or calculated to advance the interests of any particular political party or an independent candidate.

## **2. Purpose of the regulations**

The purpose of the Regulations is to prescribe the framework and guidelines under which PEB(s) and PA(s) shall be conducted and carried by the BSLs, during the national and provincial elections.

## **3. Scope of these regulations**

These regulations are applicable during the election period to:

- (a) broadcasting service licensees;
- (b) political parties contesting the national and provincial elections; and
- (c) independent candidates contesting the national and provincial elections.

## **4. Political Election Broadcasts**

- (1) PEB(s) must only be broadcast during the election broadcast period.
- (2) A political party or independent candidate that intends to broadcast a PEB must submit same to the BSL at least five (5) working days prior to the broadcast thereof.
- (3) A public BSL must permit a PEB during an election broadcast period.
- (4) A commercial or community broadcasting service licensee that intends to broadcast PEB(s) must inform the Authority, in writing, of its intention to do so within twenty (20) calendar days of the publication of these regulations.
- (5) A broadcasting service licensee that is obliged, or intends to broadcast PEB(s) must ensure that the PEB conforms to the Authority's technical quality as listed in Annexure C of these regulations.

- (6) A broadcasting service licensee to whom a PEB has been submitted by a political party or an independent candidate for broadcast; must not in any way edit or alter the content of the PEB.
- (7) A BSL that rejects a PEB submitted by a political party or an independent candidate for broadcast, must within 24 hours of receipt of such PEB:
  - (a) furnish the political party or independent candidate concerned with written reasons for the rejection; and
  - (b) afford the political party or independent candidate concerned an opportunity, within two (2) days after receiving the rejected PEB, to alter or edit the PEB and re-submit it to the BSL concerned or confirm in writing that it will not be re-submitting the PEB.
- (8) Where the BSL has rejected a PEB and the political party or independent candidate concerned has confirmed in writing to the BSL that it will not be re-submitting the PEB, the BSL must within two (2) days notify the Authority of such rejection and must also furnish to the Authority written reasons for the rejection.
- (9) A political party or an independent candidate whose PEB has been rejected and has no intention of altering or editing the PEB, may refer the matter to the Authority and inform the concerned licensee of the referral to the Authority, within forty-eight (48) hours of being informed in writing of the rejection.
- (10) Any complaint lodged with the Authority in terms of sub-regulation (9) will be addressed by the Authority in accordance with regulation 6 of the CCC Regulations.
- (11) Subject to sub-regulation (10), the Authority will, within twenty-four (24) hours of making a determination, communicate to the parties the outcome, which is final and binding on the parties.

- (12) A political party or independent candidate that submits a PEB to a BSL for broadcast must ensure that the PEB does not:
  - (a) contravene the provisions of the Electoral Code, the Electoral Act, the Constitution, the Act and the Broadcasting Act; and
  - (b) contain any material that is calculated, or that in the ordinary course is likely, to provoke or incite any unlawful, illegal or criminal act, or that may be perceived as condoning or lending support to any such act.
  
- (13) A political party or independent candidate that submits a PEB for broadcast to a broadcasting service licensee, is deemed to have indemnified the broadcasting service licensee against incurred costs, damages, losses, and third party claims arising from the broadcast thereof.
  
- (14) A broadcasting service licensee that broadcasts PEB must:
  - (a) make available, every day, throughout the election broadcast period, twelve (12) time slots of forty (40) seconds each for the broadcast of PEB, excluding the tail disclaimer;
  - (b) do so in accordance with the sequence and timing that will be determined by the Authority upon allocation of airtime slots after the publication of these regulations;
  - (c) ensure that all PEB disclaimers are announced in a similar manner; and
  - (d) ensure that all PEBs broadcasts are clearly identified through a standard pre-recorded concluding message (tail) disclaimer.
  
- (15) A PEB must not exceed forty (40) seconds in duration.
  
- (16) Content broadcast as PEB cannot be broadcast as PA.

- (17) A broadcasting service licensee must not broadcast a PEB immediately before or after another PEB or immediately before or after a PA.
- (18) PEB air-time allocated to but not used by a political party or independent candidate shall be forfeited by the political party or independent candidate concerned.
- (19) If a political party or an independent candidate fails to deliver the PEB to the BSL before the expiry of five (5) working days prior to the broadcasting thereof then the political party or independent candidate is deemed to have forfeited its allocated airtime.
- (20) In the event that a political party or an independent candidate elects to forfeit its allocated PEB air-time, then such air-time must not be allocated to another political party or independent candidate but must be used by the BSL concerned for the purpose of broadcasting its normal programming.
- (21) In the event that a political party or an independent candidate does not wish to use its allocated PEB air-time, the broadcasting service licensee concerned must not, during the relevant time-slot, in any way vary the sequence or scheduling of PEB(s).
- (22) A broadcasting service licensee, political party or an independent candidate must not permit or engage in any interference with, or trading in, the sequence or scheduling of PEB(s).
- (23) In the event that a political party or independent candidate has complied with the requirements of this regulation 4, and a BSL concerned is unable to broadcast such political party's or independent candidate's PEB due to a breakdown in transmission, the BSL after consulting the Authority shall broadcast the PEB within forty-eight (48) hours from the date on which the PEB was scheduled.

(24) ...

*[Deleted in Government Notice No. 4443 in Government Gazette 50204 of 26 February 2024].*

(25) A PEB must be in the language(s) of the relevant BSL.

(26) A Low Power Broadcasting Service Licensee must not broadcast a PEB.

## **5. Allocation of air-time in respect of party election broadcasts**

Air-time in respect of PEB(s) shall be allocated by the Authority to the registered political parties or independent candidates contesting the national and provincial elections on the basis of the respective formulae set out in Annexure A of these regulations.

## **6. Political Advertisements**

- (1) PA must only be broadcast during the election period and no later than forty-eight (48) hours before polling commences.
- (2) A BSL that intends to broadcast a PA must inform the Authority, in writing, of its intention to do so within twenty (20) calendar days of the publication of these Regulations.
- (3) A BSL that intends to transmit a PA must ensure that the advertisement conforms to the Authority's technical standards and quality as listed in Annexure C of these Regulations.
- (4) Each PA submitted to the BSL must indicate clearly the name of the political party or independent candidate and the day, time of broadcast, and relevant broadcast service/s for the PA.
- (5) A BSL, to whom a PA has been submitted by a political party or an independent candidate for broadcast, must not in any way edit or alter the advertisement.



- (6) A political party or an independent candidate whose PA has been rejected and disputes the rejection, and has no intention of altering or editing the advertisement, may refer the matter to the Authority within forty-eight (48) hours of being informed of the rejection.
- (7) Any complaint lodged with the Authority in terms of sub-regulation (6) will be addressed by the Authority in accordance with regulation 6 of the CCC Regulations.
- (8) Subject to sub-regulation (7), the Authority will, within twenty-four (24) hours of making a determination, communicate to the parties the outcome, which is final and binding on the parties.
- (9) A political party or an independent candidate that submits a PA to a BSL for broadcast must ensure that the PA does not:
  - (a) contravene the provisions of the Electoral Code, the Electoral Act, the Constitution, the Act and the Broadcasting Act; or
  - (b) contain any material that is calculated, or that in the ordinary course is likely, to provoke or incite any unlawful, illegal or criminal act, or that may be perceived as condoning or lending support to any such act.
- (10) A political party or an independent candidate that submits a PA for broadcast to a BSL, is deemed to have indemnified the BSL against incurred costs, damages, losses, and third-party claims arising from the broadcast thereof.
- (11) A BSL must not broadcast a PA immediately before or after another PA or PEB.
- (12) Content broadcast as a PA must not be broadcast as a PEB.
- (13) A BSL that broadcasts a PA must ensure that all PA broadcasts are clearly identified through a standard pre-recorded concluding

message (tail) disclaimer.

- (14) A BSL that broadcasts a PA must ensure that all PA disclaimers are announced in a similar manner.
- (15) A Low Power Broadcasting Service Licensee must not broadcast a PA.

## **7. Complaints**

- (1) In the event of any person being aggrieved by any PA or PEB that person may lodge a complaint with the Authority within five (5) days after such broadcast has occurred.
- (2) Any complaint lodged with the Authority in terms of regulation 7(1) shall be addressed by the Authority in accordance with regulation 6 of the CCC Regulations.
- (3) The Authority shall, after receiving a complaint, communicate to the parties, the outcomes of such complaint.

## **8. General**

- (1) Every broadcasting service licensee, political party and independent candidate must:
  - (a) nominate persons who must be the representatives of that broadcasting service licensee, political party or independent candidate in respect of all matters regulated by, or arising from, these Regulations;
  - (b) within twenty (20) calendar days of the publication of these regulations notify the Authority in writing of two names, physical and postal addresses, telephone numbers and, where available, cellular phone numbers and e-mail addresses of the nominated persons;

(c) The broadcasting service licensee that intends to broadcast PEBs and/or PA should inform the Authority by writing an email to [BroadcastingCompliance@icasa.org.za](mailto:BroadcastingCompliance@icasa.org.za).

(2) The Authority and a BSL will recognise the nominated political party or independent candidate representatives as the sole representatives of the political party or independent candidate and must only communicate with the nominated representatives.

(3) A political party or an independent candidate must direct all communications in respect of PEBs only to the nominated representatives of the BSL and may not engage in discussion on PEB's with any other service or staff member of the BSL.

## **9. Penalty**

Failure by a broadcasting service licensee to comply with these Regulations will result in a fine not exceeding one million rand (R 1 000 000, 00).

## **10. Short Title and Commencement**

These regulations are called the National and Provincial Elections Broadcasts and Political Advertisements Regulations 2014 and shall come into force upon publication in the Government Gazette.

## **ANNEXURES**

Annexure A: Principles for Airtime Allocation in Respect of PEBs

Annexure B: Guidelines

Annexure C: Technical standards and quality

### **ANNEXURE A**

#### **PRINCIPLES FOR AIRTIME ALLOCATION IN RESPECT OF PEBs**

**The allocation principles in Table 1 below will apply if there are sufficient PEB slots to accommodate all the contesting political parties and independent candidates.**

**Table 1:**

<b>Basic Allocation</b>
Percentage of slots to be allocated to all political parties and independent candidates contesting seats in the National and Provincial Elections. 60%
<b>Number of Candidates fielded</b>
Percentage of slots to be allocated according to the number of candidates fielded by political parties and independent candidates at National and Provincial level. 25%
<b>Number of Seats Currently Held</b>
Percentage of slots to be allocated to political parties according to seats currently held at National and Provincial level. 15%

**The allocation principles in Table 2 below will apply if there are insufficient PEB slots to accommodate all the contesting political parties and independent candidates.**

**Table 2:**

**Basic Allocation**

Number of slots to be allocated to all political parties and independent candidates contesting seats in the National and Provincial Elections.

**Number of Candidates Fielded**

Number of slots to be allocated according to the number of candidates fielded by political parties and independent candidates at National and Provincial level.

**Number of Seats Currently Held**

Number of slots to be allocated to political parties according to seats currently held at National and Provincial level.

## **ANNEXURE B**

### **GUIDELINES**

#### **1. INTRODUCTION**

- 1.1. These guidelines are intended to outline a general approach that should be adopted by BSLs in their coverage of the national and provincial elections. Elections are an important public event and as such fall within the ambit of news and current affairs. BSLs are encouraged, in the public interest, to provide a full, impartial, and independent coverage of the elections.
- 1.2. The Authority does not intervene in the news and programming operations of the broadcasters. BSLs' role during elections does not differ from their normal journalistic role during non-election periods. Normal ethical considerations will continue to apply. A distinguishing feature of the election period is the obligation to achieve equitable coverage of political parties or independent candidates without abdicating news value judgments.

#### **2. EDITORIAL MATTERS**

- 2.1. Section 59 of the ECA prescribes specific requirements for the treatment of political parties or independent candidates during the election period by broadcasters in their editorial programming. The requirements are:
  - (a) If during an election period, the coverage of any broadcasting service licensee extends to the field of elections, political parties or independent candidates and issues relevant thereto, the broadcasting licensee concerned must afford reasonable opportunities for the discussion of conflicting views and must treat all political parties and all independent candidates equitably.
  - (b) In the event of any criticism against a political party or an independent candidate being levelled in a particular programme of any broadcasting service licensee without such party having been afforded an opportunity to respond thereto in such programme or without the view of the party having been reflected therein, the broadcasting service licensee

concerned will be obliged to afford the party a reasonable opportunity to respond to criticism.

(c) If within 48 hours before the commencement of the polling period or during the polling period, a broadcasting service licensee intends broadcasting a programme in which a particular political party or an independent candidate is criticized, the broadcasting service licensee must ensure that the political party or independent candidate is given a reasonable opportunity to respond thereto in the same programme, or to do so as soon as reasonably practicable thereafter”.

2.2. The Authority advises broadcasters to take special care during the final 48 hours prior to Election Day. There will be limited time for broadcasters to ensure that political parties’ or independent candidates’ right of reply is honoured during this period. Broadcasters should, therefore, ensure that parties are given time to reply, should this be necessary, within the same programme during this period.

### **3. EQUITABLE TREATMENT**

3.1. Equitable treatment means fair treatment. Each BSL will be expected to treat political parties and independent candidates fairly. Equitable treatment is unlikely to be achieved in a single programme but can be achieved in a series of programmes. Each BSL should be consistent in its treatment of contesting political parties and independent candidates of conflicting views.

3.2. Broadcasting service licensee must seek out information. BSLs should recognise their obligation to the electorate to provide a full and accurate record of events and developments. BSLs should not rely on political parties or independent candidates to bring information to them but should actively seek out information. Failure to do so will give political parties and independent candidates with greater resources inequitable amounts of news coverage.

## **4. PRINCIPLES TO BE ADHERED TO**

To further assist BSLs in fulfilling the requirements of the Act the following principles will apply:

### **4.1. Fairness**

- (a) All news coverage should be fair to all interested political parties and independent candidates concerned.
- (b) Care should be taken to balance the exposure given to the non-political activities of political parties and independent candidates (such as attendance at functions, sporting events, etc).
- (c) All political parties and independent candidates should receive equitable treatment on current affairs programmes. If the programme intends to feature political party representatives or an independent candidate, other political parties and independent candidates contesting the elections must be invited, with reasonable notice, to participate either in the same programme or in a series of programmes.
- (d) The requirement that broadcasters give an opportunity for conflicting views to be heard should not be interpreted as a requirement that all political parties and independent candidates be heard on any subject, only that all views be heard. Nor is it a requirement that all views be heard on the same programme.

### **4.2. The right of reply to broadcast criticism**

- (a) Each BSL should afford all political parties and independent candidates reasonable opportunity to respond to criticism broadcast by that BSL. However, affording political parties or independent candidates reasonable time to respond should not amount to forcing BSLs to turn their editorial programmes into a series of replies and replies-to-replies. There should be a distinction between demands for the right to reply to mild or rhetorical criticism, which properly forms part of the cut and thrust of robust political contest; and demands for the right to reply to criticisms which result in clear and immediate damage to a political party or an independent candidate.



(b) With regard to rhetorical criticisms, BSLs must have the flexibility to incorporate responses into their formal news patterns. With regard to damaging criticisms, BSLs should give the offended political party or independent candidate an opportunity to respond. The political party or independent candidate should be afforded the earliest and most appropriate opportunity to do so. Broadcasters should, however, not allow political parties or independent candidates to use their right to reply to criticism to manipulate or distort the general principle of equity.

#### **4.3. Coverage of government**

During the election period, BSLs must recognise that government officials are in a position to use their incumbency to advance their electoral prospects. During the election period, BSLs should regard with particular caution any statement or action by an official of an incumbent political party or independent candidate. In particular, BSLs need to ensure that, during the election period, they do not afford the policies of incumbent parties or independent candidates greater legitimacy than they would afford those policies or actions if the political party or independent candidate was not in government.

#### **4.4. Coverage of non-participating organisations**

In providing a reasonable opportunity for the discussion of conflicting views, non-participating political parties, independent candidates, and organisations affiliated to alliances should not be excluded from debates and news bulletins. They should be included in terms of normal journalistic practice – when the topic is one in which they have a material interest. However, they should not be included with such frequency that they distort the general principle of equity between registered, contesting political party or independent candidate.

#### **4.5. Coverage of election results**

BSLs, particularly the public BSL, have an obligation to inform the electorate of the election results, as they become available. Coverage of election results may also include a comment, analysis, and interpretation. Special care should be taken to ensure the accuracy of all results broadcast.

## **5. GUIDELINE FOR PRE-RECORDED PROMO FOR COMPLAINTS**

The Authority hereby provides an example of the wording for the promo in line with section 7(4) of the Regulations as follows:

*“Any person aggrieved by any Political Advertisement or Political Election Broadcast that is broadcast by [insert name of station] may lodge a complaint within 5 days from broadcast with the Independent Communications Authority of South Africa (ICASA). To lodge your complaint, please contact ICASA’s Compliance Department via telephone number on **012 568 3233** or email [BroadcastingCompliance@icasa.org.za](mailto:BroadcastingCompliance@icasa.org.za) and [Complaintsccc@icasa.org.za](mailto:Complaintsccc@icasa.org.za)”* (The contact\_details of ICASA should be repeated twice).

## **6. HOW LICENSEES CAN INFORM THE AUTHORITY OF THEIR INTENTION TO BROADCAST PEBS AND PAS**

A broadcasting service licensee that intends to broadcast PEBS and/or PA must inform the Authority by writing an email to [BroadcastingCompliance@icasa.org.za](mailto:BroadcastingCompliance@icasa.org.za). For inquiries, broadcasters may call Ms Busisiwe Mashigo at **012 568 3233/0725939294**.

## **7. CONCLUSION**

The guidelines provide a framework to BSLs covering the elections in which the system of Political Election Broadcasts and Political Advertising will operate.

## **ANNEXURE C**

### **TECHNICAL STANDARDS AND QUALITY**

Audio and video recordings must be clearly labelled to indicate the name of the political party or independent candidate and nominated representative.

Audio and video recordings must be submitted electronically or physically to the BSL.

#### **HD (High Definition)**

- Commercials to comply with the 1920 x 1080i HD Standard in a 16:9 aspect ratio at 25 frames per second
- Digital Audio Reference level is defined as 18dB below the maximum coding value (-18dBFS) as per EBU recommended practice R128.
- Timecode of commercial start is at 10:00:00:00.
- Stereo audio on tracks 1&2, (Any additional audio tracks should not be MUTE but rather be duplicates of track 1&2)
- Fade to silence at commercials end.

#### **File format:**

MXF OP-1a (SMPTE 378M), XDCAM HD 422

#### **Video:**

Codec: MPEG-2 422P@HL LongGOP

Bit rate mode Constant

Bit rate: 50 Mb/s (CBR)

Resolution: 1920 x 1080

Interlacing: Upper Field First

Display aspect ratio 16:9

Frame rate: 25 fps (50i).

#### **Audio:**

Track 1 (AES1) Stereo Left / Lt

Track 2 (AES1) Stereo Right / Rt

Codec: Uncompressed (PCM)

Sample Rate: 48 kHz,

Sampling Size: 24 bit

Additional tracks: Duplicate tracks 1&2.