REGULATION on the Coverage of the Election Campaign during local elections from 5th June 2011 by media outlets in the Republic of Moldova

I. General Provisions

1. This Regulation sets the guidelines on coverage of the electoral campaign for the local general elections to be held on 5 June 2011 (hereinafter referred to as local general elections) by media outlets of the Republic of Moldova and has as aim to ensure fair, balanced and unbiased coverage of the election campaign during local general elections by media outlets, to promote freedom of expression and political pluralism, to set compulsory norms for the implementation of these principles by mass-media, on one hand, and electoral competitors, on the other one.

2. Media outlets that are under the jurisdiction of the Republic of Moldova shall cover the election campaign for the parliamentary elections in compliance with the provisions of the Constitution of the Republic of Moldova, Election Code, Broadcasting Code, Law on Mass Media, Law on Ensuring Equal Opportunities for Men and Women, this Regulation and international treaties the Republic of Moldova is a party to.

3. Principles of a fair, balanced and impartial coverage of the parliamentary elections are also mandatory for foreign audiovisual institutions that have a legal access to the Moldovan mass-media market. The holder of the license or rebroadcast authorization bears the responsibility for any breaches.

4. The provisions of this Regulation do not apply to periodical publications and internet pages founded by political parties.

5. During the election campaign, the Observatory Councils of audiovisual public institutions are monitoring the conformation to the provisions of the Regulation on the Coverage of the election campaign and pluralism of opinions by IPNA Company “Teleradio-Moldova” and the Public Company “Găgăuziya Radio Televizionu”. They will present, compulsory, to the Coordinating Council of Audiovisual (hereinafter referred to as CCA) once per week monitoring reports of the election campaign which will include information regarding the conformance with the legislation in force of the election coverage made by the public broadcasters during all the programs, and 2 days before the Election Day – a summing up report.

6. Electoral competitors shall participate in the election campaign under equal conditions and shall enjoy a non-discriminatory treatment when allotting air time and using the space in mass media outlets.

7. Each broadcaster which will cover the election campaign shall present to the Coordinating Council of Audiovisual a declaration regarding the editorial policy for the election campaign within the first 7 days from the approval of the current Regulation. The declarations will contain the following information:
- The name of the institution’s owner/s (founders/cofounders)
- the principles of covering the election campaign by the respective media outlet;
- principle of scheduling and allotting airtime
- timetable of the paid airtime,
- conditions of scheduling paid airtime, including the fees for the paid airtime,
- the way and the principles of organizing the electoral debates,
- means to keep record of the airtime allotted to the electoral competitors;
- schedule of electoral programs.
- Name, surname, office phone numbers, inclusively mobile phone, fax and email of
the person in charge with the coverage of the election campaign.
- A declaration through which the media institution oblige itself to follow the current
Regulation.

Media outlets which will not cover the election campaign shall notify the CCA about it
within the first 7 days from the approval of the current Regulation.

If the declarations are complying with the actual legislation, CCA approves them and
publish the declarations on its web page within 24 hours.

CCA will refuse the declarations of media outlets that are not according to the legal
conditions effective and will request to bring them in accordance with the legislation within
3 calendar days.

In case of presentation of the declaration regarding editorial policy for the election
campaign for the local general elections with the violation of the established deadline, CCA
will apply the sanctions provided in the article 38, (1) from the Broadcasting Code.

8. The Declarations of public audiovisual institutions are adopted by their Observatory
Councils. The declarations of private audiovisual institutions are adopted by the
administrations of the respective institution.

9. Audiovisual institutions are bound to ensure confidentiality of the electoral materials
presented by electoral contestants until their broadcasting.

10. Upon the request of election bodies, broadcasters and periodical public publications are
obliged, and the private ones have the right to broadcast for free, motivational advertising on
elections and civil education, shall hold campaigns to inform voters on the voting process
and other particularities during voting.

11. The airtime for paid electoral advertisings, as well as for electoral debates programs will be
scheduled during the prime time (06.00am-09.00am; 07:00pm – 11:00pm for TV; 06:00am –
01:00pm; 05:00 – 08:00pm for Radio) and will be distinguished by unique acoustic and/or
visual means that will identify and separate them from other programs. Moreover, to record
the paid air time allotted to the electoral competitors, electoral advertising and electoral
debates programs will be aired only as a part of a special column. Viewers and radio listeners
will be informed about the column through titles and/or video messages and/or voice
messages.

12. Electoral advertising can not be included in news, sports, religious, cultural-entertainment
programs and programs for children.
13. During the election campaign, the evolution of electoral contestants as news presenters, moderators or as persons working out the broadcasted programs is forbidden.

14. In the informative and news programs of the audiovisual institutions, events about the election campaign will be reflected respecting the provisions of article 47, 64 and 64\textsuperscript{1} of the Election Code and article 7 of the Broadcasting Code.

15. The activity of the central public administration, including the activity of the mayoralty, village/town/city councils and of the district (rayon)/municipal councils shall be presented separately of debates and electoral advertising, according to the provisions of the Election Code, Broadcasting Code and this Regulation. No candidate in the elections will have priorities despite his function.

16. When organizing electoral debates programs, talk-shows and other programs, media institutions shall provide the respect of equity, impartiality, responsibility and pluralism of opinions during the speeches of the electoral competitors.

17. Electoral materials of both the Central Election Commission and electoral competitors, which are published or broadcast, can not be followed by commentaries.

18. The usage of archive materials will clearly bear the video or audio inscription “Archive”. Such materials shall not be used if their initial meaning is distorted. According to the current Regulation, material from archive represents any material on video, audio or paper supports produced before the beginning of election period.

Election advertising can not contain image distortion and/or licentious sounds, language or insults.

19. Each material of the electoral competitor published in written press shall be placed in the column “Elections 2011” and will be followed by the notice “paid from the electoral fund” of the respective competitor. The media outlet bears the responsibility for publishing electoral materials in written press without the notice “Elections 2010” and “Paid from the electoral fund”.

20. The electoral programs will be announced beforehand and will not be re-scheduled, unless in case of some technical deficiencies.

21. During the election campaign, the surveys with electoral subject will be run under the conditions of the article 64\textsuperscript{1} par.10 of the Election Code. Results of the surveys will be followed by the following information:

- name of the organization who conducted the survey;
- date and time interval the survey was conducted, as well as the method used;
- dimension of the population sample and the maximum margin of error;
- applicant and the funding source of the survey.

22. On the Election Day it is prohibited to public materials, including interviews with voters, information about the number of votes accumulated by the electoral candidates during the day and about their chances, including the results of surveys on the voters’ participation in elections and their expressed will (exit-poll) before the closing of the polling stations.

23. On the Election Day, as well as on the day before the elections, any electoral propaganda is prohibited. On these days, media outlets covering the election campaign will air/publish only
civic/electoral education materials (including motivational campaigns), press-releases received from election bodies and information on the conduct of elections.

24. Electoral competitors who consider that were prejudiced in their rights, have the right to reply according the conditions of art.64, par.(6) from the Election Code

II. Airtime and spaces from newspapers offered for paid electoral advertising

25. For paid electoral advertising, each electoral contestant will benefit a maximum 2 minutes of airtime per day during the election campaign at each broadcaster. The conditions of buying airtime and the taxes perceived for it will be announced with 3 calendar days before broadcasting the election advertising. The airtime for paid electoral advertising will be allotted to all electoral contestants at the same emission hours. The length of an election advertising during paid airtime can not be smaller then 20 sec.

26. The refusal to air or publish the paid electoral advertising by the media institution that is involved in covering the election campaign can be appealed in the law court, in compliance with the effective legislation.

27. The request for the airtime/spaces in newspapers allotment is submitted to the mass-media institutions for the entire election campaign after the registration of the electoral competitor by DEC.

28. The paid airtime will be provided to electoral contestants within 48 hours since the registration of the request, by signing the necessary agreements regarding those issues.

29. The electoral paid electoral advertising aired on radio and TV channels will be paid, on the basis of the contracts concluded between parties. Public and private audiovisual institutions will create equal conditions to all electoral competitors in buying airtime, setting equal fees.

30. The fee collected by media outlets and/or publicity agencies for placing paid electoral advertising shall not exceed the payment for commercial advertising. The payment is made in advance exclusively from the “electoral fund” of the electoral competitor. Any other means of payment, except transfer in advance of money from electoral fund, are prohibited.

31. The paid airtime allocated and scheduled upon the request of the electoral competitor, but unused due to his/her fault, is not reallocated.

32. The paid airtime allocated and scheduled upon the request of the electoral competitor, but unused due to the technical deficiencies of the broadcasting equipment, as well as due to other reasons of major force alleged by the audiovisual institution, shall be rescheduled. The audiovisual institution will officially and in written present to the electoral candidate information about the alleged reason.

33. The electoral competitors are obliged to provide video records with the electoral advertising to the audiovisual institutions not later than 24 hours before airing.

34. Electoral and civic education materials ordered by the public associations or other persons shall be broadcast for free by the media outlets only after they will be coordinated in written with the Central Election Commission.
III. Electoral Debates

35. Local/regional broadcasters are obliged, while the national ones are entitled to organize electoral debates according to the Election Code and the current Regulation.

Since the moment of the registration at the LEC of at least two electoral candidates, the broadcasters can organize debates, being entitled to invite also representatives of civil society, including private persons interested in participating there.

36. Electoral debates organized and broadcast via Internet follow the general rules for their organization, in compliance with the Election Code and this Regulation.

37. During the electoral debates are participating the election candidates or their representatives. The topic of the electoral debates is set by the audiovisual institution and its being announced together with the invitation to the debates.

38. Electoral competitors shall be invited in written to the electoral debates, not later than 24 hours before the broadcasting of each program. The order in which the participants are invited to the debates, as well as their grouping, is established in the declaration regarding the editorial policy of media institutions, following the principle of equity for each participant.

39. Refusal to participate or the absence of one or more electoral competitors or their representatives at electoral debate is made public and it shall not be a reason to cancel or postpone the program. In case one or more electoral competitors/their representatives do not attend the program, the time allotted to them is not recovered.

40. Electoral competitors are informed about the rules for conducting debates together with the invitation and at the beginning of the debates.

41. Audiovisual institutions will ensure that the participants have the possibility to present their position regarding the topic of debates.

42. Electoral competitors and their representatives have the freedom of expression during the debates. However, during allotted airtime offered for debates, the following are prohibited:
   - endangering constitutional order, urging to public violence, attempting to personal security and that of material goods;
   - disclosing law-protected secrets;
   - instigating war, interethnic hate or territorial separatism
   - instigating hate and discrimination on the basis of racial, religious, national, sexual, sexual orientation or ethnic criteria;

43. The producers and the moderators of electoral debates have the following requirements:
   - to be impartial;
   - to ensure the necessary balance for conducting the program, providing every participant in the discussion the opportunity to express their opinions;
   - to clearly formulate questions, avoiding a biased and unfair approach;
   - to maintain the debate within the topic of election campaign;
   - to intervene when the invitees violate the provisions of the effective legislation and the present Regulation; when the invitees do not follow the moderator’s requests, inclusively by turning off the microphone of the participants;
   - not to be candidates or reliable persons for elections.
44. Airing advertising materials about the activity of electoral competitors; with their participation or the participation of their reliable persons; radio or TV reports from the electoral competitors’ meetings with voters, opinion polls; about the working visits of the electoral competitors who hold a leading position is prohibited during the electoral debates.

45. During the electoral debates and talk-shows with the participation of election candidates and/or their representatives airing mobile titles (sms, etc) is prohibited.

46. For the second round of elections, electoral debates will be organized with the participation of the candidates running for mayor who passed in the second round under the conditions provided by the Election Code and the current Regulation.

IV. Final Provisions

47. Video and audio records of the electoral materials shall be kept for at least 3 months after their broadcast. In case of litigations, the storage period will be prolonged upon the decision of the judicial court.

48. Audiovisual institutions are obliged to keep record of the airtime allotted to the participants and shall weekly (the day of Monday) send via fax to the Coordinating Council of Audiovisual information on the volume of electoral programs (advertising, debates and electoral materials broadcasted during special columns created for covering the election campaign), including information regarding the social advertising made by CEC aired during the previous week.

49. At the request of CCA, CEC or LEC broadcasters are obliged to present, within 24 hours, video and audio materials copies of the contracts and the respective bills attached.

50. CCA will present to the CEC monitoring reports according to the conditions stipulated in the article 64\(^1\).

51. Contestations regarding the coverage of the election campaign by mass-media that is under the jurisdiction of the Republic of Moldova will be solved according to the provisions of the Election Code.

52. Non-observance of the present Regulation, involves the application of sanctions provided by the current law. Regarding the broadcasters, CCA will apply sanctions provided by article 38, par. (1) from Broadcasting Code, including for not following the statements regarding the editorial policy for the election campaign.