

## **REGULATION**

### **Concerning media coverage of the electoral campaign for the March 16, 2008 elections for the People's Assembly (Halk Toplusu) of ATU Gagauzia (Gagauz Yeri)**

#### **I. General principles**

1. This Regulation establishes the guidelines on coverage of the electoral campaign for the March 16, 2008 elections for the People's Assembly (Halk Toplusu) of Gagauzia (Gagauz Yeri) by media outlets of Gagauzia and Republic of Moldova.
2. The Central Electoral Commission of Gagauzia (hereinafter CEC) and the electronic media watchdog CCA establish the guidelines on coverage of the electoral campaign by all mass media of the Gagauz autonomy and Republic of Moldova.
3. The electoral campaign shall be covered accordingly to the Constitution of the Republic of Moldova, the Law of ATU Gagauzia "Concerning elections for the People's Assembly (Halk Toplusu) of Gagauzia (Gagauz Yeri)", and the Broadcasting Code, international conventions signed by the Republic of Moldova, this Regulation, and other effective normative acts.
4. Principles on a fair and unbiased coverage of elections for the People's Assembly of Gagauzia shall be also respected by foreign media outlets with a legal access to the Moldovan mass media market. Holders of licences carry all responsibility for any breaches.
5. The CEC of Gagauzia shall cooperate with all media outlets during organisation and conduct of elections, in order to hold seminars on civic education of electors and inform people regarding the electoral process.
6. The mass media shall publish social articles on elections and civic education, hold campaigns to inform voters about the voting procedure and other details of the election, at the demand of the CEC or CCA.
7. Electoral contestants shall participate in the electoral campaign under equal conditions and shall be provided an equal access to the media accordingly to the effective legislation and current regulation.

#### **II. Order of dissemination of electoral advertising by public and private media outlets**

8. By allocating airtime to a contestant for the electoral propaganda, the organisation concerned shall also allot airtime to other candidates during the same type of programme in a fair and non-discriminatory manner.
9. Electoral candidates shall use airtime in rush-hour audience programmes by public and private broadcasters. TV watchers and radio listeners shall be informed that the news concerned is a charged or free electoral advertising. The electoral advertising shall be distinguished from commercial and other advertising.
10. The duration of an electoral advertising shall be at least 20 seconds.
11. Electoral programmes shall be aired only as part of the column "Electoral campaign 2008". They shall be distinguished from other programmes by a sound or video signal.
12. Public and private media outlets shall nominate coordinators of their activity conducted during the electoral campaign and ensure conditions to publish or air electoral information. The first and second names of the coordinators, their office and home telephone numbers, fax and e-mails shall be told to the CEC and CCA.

13. State and private periodicals shall allocate maximum half a page of a newspaper to electoral candidates. Any article by electoral contestants shall be published in the "Electoral campaign 2008" column or with the mention "Published on a commercial basis".

14. The fee for the dissemination of electoral advertising by the media shall not be higher than for commercial advertising.

15. Upon a demand of electoral contestants, broadcasters may provide them with filming, recording, editing, sound effect, and computer graph services in exchange for a regular charge.

16. The airtime allocated for the electoral campaign shall be granted in the same hours of audience established for the entire period, on basis of equal conditions for all electoral candidates.

17. The airtime and printing space shall be allocated to electoral competitors upon a demand only after their registration with the CEC.

18. The airtime allocated and rescheduled upon a demand by an electoral candidate but unused under his/her responsibility is not reallocated.

19. The airtime allocated and rescheduled upon a demand by an electoral contestant and unused for technical or other reasons beyond responsibility of the candidate shall be rescheduled accordingly to the internal regulation.

20. Public and private broadcasters shall avoid the presence of electoral candidates in sports, entertainment programmes, contests, talk-shows, except for electoral programmes.

21. Electoral contestants shall not moderate news programmes, produce other radio and TV programmes during the electoral campaign.

22. Public and private broadcasters shall not show electoral candidates in news programmes during electoral campaigns.

23. Electoral advertising shall not be part of news, religious, sports, cultural-entertainment programmes, programmes for children, and others.

24. If any records from the TV/audio archives are used, the material shall bear the inscription "archives records," with the date of recording indicated. Such materials shall not be used, if this distorts the image of an electoral competitor or the original meaning of the used material is distorted.

25. Electoral candidates shall provide audio and video records with the electoral advertising to broadcasters no later than 24 hours before the airing.

26. The airtime shall be used for the following:

- Reporting the programmes of electoral contestants;
- Electoral propaganda (reportages from meetings with voters);
- Addressing programmes, statements, other electoral programmes, electoral advertising, which shall be distinguished from other programmes by mentioning that they are electoral advertising.

27. Headquarters of the Presidency, Parliament, Executive and People's Assembly of Gagauzia, central and local public administrations shall not be shown during electoral advertising, programmes and talk-shows.

28. Public authorities running for the People's Assembly of Gagauzia shall not accept interviews and deliver speeches related to their administrative service for electoral propaganda purposes.

29. Electoral candidates are responsible for their electoral materials.

30. Any comments upon electoral materials published and aired by the Central Electoral Commission and CCA, as well as by electoral contestants are prohibited.

31. The paid airtime and printing space shall be granted to electoral contestants only after they pay in advance the fee stipulated by the contract between media outlets and electoral candidates.

32. Any survey on political preferences of electors from ATU Gagauzia shall be conducted during the electoral period only after a beforehand notification of the Gagauz CEC.

33. Two days before the elections and on the Election Day media outlets shall not release findings of electoral polls indicating the possible results of the elections.

34. Any electoral propaganda is prohibited on the Election Day.

35. On the Election Day, the media is prohibited to disseminate interviews with electoral candidates and credit their chances to win, as long as electoral bureaus are open.

36. Journalists have the same rights as election observers have.

37. In the event an electoral contestant is libelled out of programmes or publications of the column "Electoral campaign 2008", he/she shall be immediately given the right to reply under the same conditions, demanding this in written form or by fax. Media outlets shall give the right to reply to electoral candidates upon a request or decision by the CEC within 48 hours after the demand or decision was made. The Friday before the Election Day is the last day to use the right to reply.

38. Litigations between electoral candidates and media outlets shall be settled by the Central Electoral Commission, electronic media watchdog CCA and law courts in compliance with the Moldovan legislation. Decisions by the CEC and CCA may be contested in law courts accordingly to the effective legislation of the Republic of Moldova.

39. Media outlets shall keep the secret of electoral materials until their dissemination, and ensure equal, fair and unbiased conditions for their release.

40. Media outlets shall refrain from disseminating articles by electoral candidates aimed at libelling other competitors, bringing groundless accusations and harming their honour and dignity.

41. Releasing news and reports linked to charity activity of candidates and their 1<sup>st</sup> and 2<sup>nd</sup>-degree relatives during the electoral campaign is prohibited.

### **III. Paid airtime**

42. Public broadcasters shall and private broadcasters have the right to sell airtime to all electoral candidates on basis of equal and non-discrimination principles as follows:

- Each registered electoral candidate shall be allotted no more than 120 minutes on a TV channel and 120 minutes on a radio channel.

43. The paid airtime allotted to a contestant shall not exceed 2 minutes a day on a TV channel and 2 minutes a day on a radio channel. The contestant has the right to gradually use the paid airtime accordingly to the airtime schedule stipulated by the internal regulation.

### **IV. Electoral talk-shows**

44. The public company Gagauziya Radio Televizionu shall, free of charge, and private broadcasters shall have the right to organise public talk-shows for all electoral contestants during the electoral period in a non-discriminatory way, with the participation of at least two invitees. Talk-shows shall be organised only after the deadline for the registration of electoral candidate is over. Broadcasters shall allot at least 90 minutes a day for electoral talk-shows. This airtime may be used for one or more programmes.

45. Electoral candidates or their representatives may participate in electoral talk-shows. The broadcaster shall choose a topic of the electoral talk-show after preliminary consultations with contestants.

46. Electoral candidates shall be invited in written form at electoral talk-shows no latter than 24 hours before the programme, together or in groups created on basis of the following principles:

- Accordingly to the order they applied for participation in talk-shows on radio and television;
- Accordingly to the order of registration of electoral contestants by the CEC;
- Accordingly to the alphabetical order;
- Accordingly to the drawing.

47. Refusal to participate or absence of one or more electoral contestants at electoral talk-shows is made public and shall not be a reason to cancel the programme. In the event one or more electoral contestants do not attend the programme, the airtime allotted to them shall be discounted from all airtime of the programme and it shall not be reallocated.

48. Electoral candidates shall be told the rules of participation in a talk-show when they are invited to participate and prior to the programme.

49. Broadcasters shall measure the time by using audio and video means understandable to participants in the talk-show and audience.

50. Disseminating electoral advertising during electoral talk-shows is prohibited.

51. Electoral candidates have the freedom of expression during public talks. The following is prohibited:

- disseminate materials capable to destabilise the constitutional and public order, to attempt on personal immunity and property;
- use expressions affecting the honour and dignity;
- disclose law-protected secrets;
- use any means of expression that libel other candidates or their representatives;
- combine colours and/or sounds recalling the national symbols of the Republic of Moldova or other country, as well as images of headquarters of the Presidency, Parliament and central and local public administration;
- use video or audio records including historic personalities of Moldova and other countries;
- provide evidence to support accusations of offences or violation of moral norms against other candidates;
- instigate hate and discrimination upon gender, sexual orientation, race, religion, nationality and ethnic.

52. Authors and moderators of electoral talk-shows shall meet the following requirements:

- Clearly formulate questions in an unbiased and fair manner;
- Ensure the necessary balance of opinions during the programme, providing every participant in the discussion with the opportunity to tell his/her point of view;
- Maintain the talks within interests of the electoral campaign and topic;
- Intervene in the talks when the conduct or opinions of invitees violate the Chapter IV of this Regulation, and moderators have the right to turn off the microphone of participants who violate the order.

## **V. Final principles**

53. Media outlets disseminating electoral information shall respect the following:

- Keep a record and notify the CEC of Gagauzia every ten days regarding the paid and free airtime and printing space allotted to electoral candidates;
- At the request of the CEC, provide the used materials and attach copies of contracts on provided services.

54. Press reports, records of electoral programmes (related to electoral campaign, including live broadcasts) shall be preserved no less than 3 months after the airing or publishing. In the event litigations are examined, the term of preserving these records is extended under a decision by the CEC, CCA or law courts.

55. Private media outlets unwilling to cover the electoral campaign shall make public their decision within 5 days after the publication of this Regulation, notifying the CEC and CCA in this respect in written form.

56. Media outlets violating this Regulation during the electoral campaign shall be punished accordingly to the legislation of the Republic of Moldova.