

# **MALAWI ELECTORAL COMMISSION**

## **Procedures for media coverage of Parliamentary and Presidential Elections**

### **Purpose**

These Procedures apply to electronic media (the Malawi Broadcasting Corporation in particular) and in specified instances to the Press. Their purpose is to ensure that full and fair coverage is given, without censorship, to the campaigns of all registered Political Parties during the period of campaigning and up to the close of the poll in Parliamentary and Presidential elections.

The purpose of the procedures is also to ensure that the media provide the public with the necessary programme of civic education and information on every relevant aspect of the electoral process and on each citizen's electoral rights. Such support for the electoral system by publicly owned media is at the heart of democracy.

The procedures are based upon the authority given to the Electoral Commission and the Parliamentary and Presidential Elections Act 1993.

### **Section 1 News Coverage**

### **Section 2 Election Education and Information Programme**

### **Section 3 Party Political Broadcasts (Direct/Free Access)**

### **Section 4 Opinion Polls**

### **Section 5 Monitoring of Coverage**

### **Section 6 Complaints Procedure**

## **1 NEWS AND CURRENT AFFAIRS COVERAGE**

### **1.1**

Publicly-owned media (this currently refers exclusively to the Malawi Broadcasting Corporation) are required to provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political Parties during the period of campaigning and thereafter to provide news of the electoral process up to the close of poll.

### **1.2**

This duty also requires the broadcasters to devise, by arrangement with the Parties, a range of special election programmes - public debates, interviews with Party leaders and phone-in debates in which all registered political Parties are given equitable treatment and in which the same editorial balance and fair dealing apply as in news bulletins and news reports.

### 1.3

The debates will be organised in the following way:

The Election Commission and the Malawi Broadcasting Corporation will arrange a series of six debates with the registered political Parties; two in Mzuzu, two in Lilongwe and two in Blantyre with all eight Parties represented in one or other of the programmes in each city. Each debate will have a moderator, two journalists and four of the eight political parties. The party participants for each debate will be determined by a rotational method.

Dates are to be arranged.

The debates will be a ticketed event in each of the cities, and the venue will hold 200 people. Community organisations, Church and Mosques will be given 100 tickets. The four political parties participating in the debate will each be given 25 tickets.

The debate questions will be determined by the six journalist-panellists. The questions will differ for each debate, but each question will have equal weight and importance on a major issue facing Malawi.

Each party will be given 1'30" to respond to each question from the journalists. At the moderator's discretion, a party can be given 30 seconds to respond to a direct challenge by an opposing party.

The debate will not be edited for content unless there is a violation of the Code of Conduct by any of the participants. The approximate debate format will be:

Introduction	Moderator	3 Minutes	
Question 1	Journalist 1	1 Minute	
Answer 1	Four Parties	6 Minutes	
Question 2	Journalist 2	1 Minute	
Answer 2	Four Parties	6 Minutes	
Question 3	Journalist 1	1 Minute	
Answer 3	Four Parties	6 Minutes	
Question 4	Journalist 2	1 Minute	
Answer 4	Four Parties	6 Minutes	
Question 5	Journalist 1	1 Minute	
Answer 5	Four Parties	6 Minutes	
Closing	Four Parties	8 Minutes	
Closing	Moderator	1 Minute	<b>Total: 47 minutes</b>

Each programme will be given two transmissions at the weekend following each recording.

#### **1.4**

The editorial responsibility for the maintenance of balance and equitable coverage by the Malawi Broadcasting Corporation rests with the Head of News. In this respect he is responsible to the Electoral Commission. (See complaints procedure section 5 below).

#### **1.5**

Party Press Conferences will be reported on by MBC in their normal news programmes. The continuous recordings currently broadcast will be replaced by the range of special election programmes,

- a. Debates (see 1.3)
- b. Phone-ins
- c. A series of Meet Your Candidate face to face interviews in which Party leaders will be invited to explain their political philosophy and plans in a 30 minute conversation each.
- d. Party Political Broadcast (see 3.1 - 3.10 and Schedule).

#### **1.6**

MBC must scrutinise **all** material for broadcast during the period up to the close of poll to ensure that no Party uses general programmes (other than recognised direct access Party Political Broadcasts, specific election news coverage or special election programmes) to promote its electoral interests.

#### **1.7**

MBC staff, as public service broadcasters, may not broadcast their own political opinions. Any commentaries or assessments must be clearly identified as such and carefully balanced to avoid bias.

#### **1.8**

In this context, newspapers are also required to identify editorial comment to separate it from news.

### **2 Election Education and Information**

#### **2.1**

Publicly-owned media are required, throughout the election campaign and up to the close of poll, to provide education and information on the electoral process designed to ensure a maximum poll by a well-informed electorate.

#### **2.2**

This duty also requires newspapers to take positive steps to inform their readers about their electoral rights and to make a vigorous contribution to the public education programme.

### **2.3**

Such informational and educational programmes and material, whether broadcast or published in a newspaper, may not contain any material intended to further the electoral prospects of any Party contesting the election.

### **2.4**

The number, duration and frequency of such broadcasts may be negotiated between the production agencies and the MBC, always providing that the resulting service meets the goals envisaged by the Electoral Commission.

## **3 Party Political Broadcasts (Direct/Free Access)**

### **3.1**

The broadcasters are required to provide each registered political Party with a series of broadcast time-slots of an equal number, frequency, maximum duration and equitable time placement (see schedule below.) At these times each political Party may broadcast pre-recorded programmes, in a language of their choice, free of MBC or any other outside editorial control (subject to the conditions and monitoring mechanisms set out in section 5 below).

### **3.2**

The decisions about duration, time placement and frequency of Party Political Broadcasts rests with the Electoral Commission. Time placements will include an equal variety of time-slots in the broadcasting day including prime time.

### **3.3**

Such programmes must be recorded to professional standards. Equal free studio production and editing time will be provided each week at MBC for those Parties wishing to take advantage of it. The programmes will be recorded under the editorial control of the Party representatives delegated to produce the programme. Programmes may be made at professional studios outside MBC if any Party so wishes. This would be at the expense of that Party. MBC will reserve the right to assess the technical standard of any material recorded elsewhere and brought to the studio by the Party concerned. If any such material fails to meet the MBC's required technical standard it may not be included in the programme.

### **3.4**

A member or members of the Electoral Commission will attend the recording of all those Party Political Broadcasts which are recorded at MBC to ensure that the producing Party has been given equal treatment and resources. The Commission member's role is to ensure that the programme to be broadcast conforms to these procedures and that there is no legal objection to its broadcast. If material or a complete programme submitted by a Party for transmission does not meet the technical standards, it will not be accepted for broadcast.

### 3.5

Such programmes may not exceed the agreed maximum duration. MBC is not permitted to broadcast any programme which exceeds the limit set. MBC must give the Party concerned the opportunity within the production period allocated to edit any such programme down to the maximum duration allowed. MBC *may not take upon itself* the decision to make any cut in a Party Political Broadcast for any reason. Any such decision can only be made by the Party concerned or on the specific instruction of the Electoral Commission. The Commission will take no such decision unless it decides that the programme is in breach of either the Law or these procedures.

### 3.6

Such programmes, being free of editorial control or censorship, other than by the individual Parties making them, must nevertheless avoid incitement to public disorder, violence or war and meet the CODE OF CONDUCT. This restriction applies equally to broadcasting and newspapers.

### 3.7

**Party Political Broadcasts**, set out in the schedule below, may be used at each Party's discretion as **Presidential Candidate Broadcasts**. Only in the case of independent Presidential Candidates being registered will there be an allocation of specific broadcast time for those independent Presidential candidates. That allocation will be decided by the Electoral Commission following the close of Presidential candidate nominations.

### 3.8

No Party is allowed to buy air-time on MBC during the period up to the close of the poll.

### 3.9

Completed programmes ready for transmission must be handed over to MBC at the end of the scheduled production time in each case. No programme may be released until after its final transmission. If however a Party wishes to withdraw their programme in the course of a week, it may do so but will not be allowed to replace it until the following week's scheduled transmission.

Programmes made outside MBC must be handed in at MBC at the production time allotted to that Party so that the Electoral Commission representative on duty at that time can listen to it with the Party's representative to confirm that it falls within the Electoral Law. An MBC Engineer will be present to confirm that the programme meets the necessary technical standard.

### 3.10

No Party Political Broadcast, related to the Elections taking place on 17th May, may be transmitted after 6am on Sunday 15th May 1994.

Party Political Broadcasts must take account of the limitations on the use of OPINION POLLS set out in section 4.1 below.

## SCHEDULE OF PARTY POLITICAL BROADCASTS

The number of such broadcasts available to each Party over an eight week will be 12. These will be recorded at weekly production sessions and transmitted at the frequency set out below in the course of the following week.

Each Party will be offered the following in the eight-week period Sunday March 20th 1994 - Saturday May 14th 1994

Week 1. 1 programme / 2 minutes / 5 times per day / 7 days per week  
Week 2. 1 programme / 2 minutes / 5 times per day / 7 days per week  
Week 3. 1 programme / 2 minutes / 5 times per day / 7 days per week  
Week 4. 1 programme / 2 minutes / 5 times per day / 7 days per week  
Week 5. 1 programme / 3 minutes / 3 times per day / 7 days per week  
1 programme / 1 minute / 3 times per day / 7 days per week  
Week 6. 1 programme / 3 minutes / 3 times per day / 7 days per week  
1 programme / 1 minute / 3 times per day / 7 days per week  
Week 7. 1 programme / 4 minutes / 2 times per day / 7 days per week  
1 programme / 1 minute / 4 times per day / 7 days per week  
Week 8. 1 programme / 4 minutes / 2 times per day / 7 days per week  
1 programme / 1 minute / 4 times per day / 7 days per week

Totals 12 programmes per Party  
Combined total of 26 minutes recorded material per Party.  
10 hours 16 minutes transmission time per Party.  
308 transmissions per Party.

## 4 Opinion Polls

### 4.1

The result of Opinion Polls must be used **by all media** with great care. The results should only be broadcast or published if there is reason to believe that they are statistically sound. In any case, all relevant information must be broadcast/published including identification of the organisation that conducted the poll, the Party or other organisation that commissioned and paid for the Poll, the methodology, the sample size and location of the survey, its date and margin of error. This care must be exercised by Newspapers too.

### 4.2

Opinion Polls may not be published or broadcast after the period of campaigning i.e. during the 48 hours from that point until the close of poll.

## **5 Monitoring of Election Coverage**

### **5.1**

MBC must maintain full records of all news bulletins and recordings of all other programmes related to the election, including Party Political Broadcasts. They must institute a close and meticulous monitoring system to ensure balance throughout the campaign and up to the close of poll.

### **5.2**

MBC must be prepared to provide the Electoral Commission at any reasonable time with all such records, information and recordings as the Commission may require to fulfil its monitoring role. Newspapers may be required to provide the possibility for the Commission to inspect back copies in the event of a complaint.

## **6 Complaints Procedure**

### **6.1**

Any candidate or Party making a reasoned complaint of unfair treatment or coverage in the course of the election campaign, should send it in writing to the Commission. Any complainant asking the Head of News at MBC or the Editor of a newspaper to correct a mistake should send a copy to the Electoral Commission. These professional journalists, working to these procedures, will respond to those complaints appropriately, but will in any case report all such complaints to the Electoral Commission.

### **6.2**

Where, in the case of either MBC or a newspaper, a right of reply is necessary, a retraction or the correction of a matter of significance, such a response will be placed in a position of equal prominence and given comparable space or time.

### **6.3**

In the event of an unresolved dispute over a complaint of unfair media coverage, the Electoral Commission will be the final arbiter.

Justice Mrs Msosa, Chair

**MALAWI ELECTORAL COMMISSION**  
**8TH MARCH 1994**