

## Appendix three

**SELECTED LAWS AND REGULATIONS  
ON ELECTORAL BROADCASTS AND COVERAGE  
OF ELECTIONS ON RADIO AND TELEVISION IN POLAND**

*The following are not verbatim translations but accounts of the relevant provisions of the particular Acts or other documents:*

Electoral Law on Elections to the Diet of May 28 1993  
(Official Gazette *Dziennik Ustaw* No. 45 of June 2 1993,  
Item 206)

The Act contains few regulations concerning newspapers and periodicals and their role in the election campaign. The only provision concerning the print media deals with cases of untrue information concerning the election or candidates and published in the press. If a case for defamation of libel is brought against whoever published this information, it must be tried within 24 hours and a retraction, if required, must be published within 48 hours (if the information was published in a periodical, the court specifies which daily newspaper should publish the retraction at the expense of the guilty party).

Other provisions which concern both the print and the broadcast media are as follows:

- a ban on the publication of public opinion poll results with forecasts of election results, starting from the 12th day before, and ending on the polling day itself;
- a requirement that all information, notices, appeals and election slogans run in the media and paid for by election committees or candidates must identify the person or body which paid for their publication.

Regulations dealing with electoral broadcasts concern only public radio and television. Private stations are under no obligation to provide free airtime for that purpose. They may, however, sell airtime to election committees to air electoral broadcasts (see below for more details).

Starting with the 15th day and ending with the penultimate day before polling day, public broadcasters are under an obligation to run electoral broadcasts free of charge:

- in national services for election committees which have registered a national list of candidates;
- and in regional services for election committees which have registered regional lists of candidates.

Altogether, Polish Television and Polish Radio must provide for that purpose, respectively, 15 and 30 hours in their national services and 10 and 15 hours in their regional services. In national services, all election committees must receive an equal amount of time. In regional services, time is allotted proportionately to the number of candidates registered by the particular election committees. The order in which the electoral broadcasts of particular election committees are run each day is decided by a lottery draw.

In addition, each election committee may purchase additional airtime (amounting to no more than 15 percent of the free time it has received) to run electoral broadcasts on public and private stations during the same period between the 15th and the penultimate day before polling day. The rates charged for this may not exceed 50 per cent of normal rates for advertising time and must be equal for all election committees.

Resolution of the State Electoral Commission  
of October 18 1990 on the Principles of Equal  
and Free Access to State Radio and Television  
by Candidates in Presidential Elections

(Official Gazette *Monitor Polski*, No 40, 1990, Item 313)

The Resolution states that candidates must have equal and free access to the four national services of the Polish Radio and two national channels of Polish Television in order to present their electoral broadcasts. These broadcasts must be transmitted in special blocks (with the order of broadcasts within blocks to be decided by lottery draw), and all candidates must have broadcasts of equal duration. Altogether, free time made available to all candidates amounts to 15 hours on the two national television channels and 30 hours on the four

national radio services. Time allotted to each candidate cannot exceed a total of 2 hours on television and a total of 4 hours on the radio. In the case of a second ballot, each candidate receives a total of 1 hour on national television channels and 1.5 hours on national radio services. In both cases, this time includes time devoted to responding to statements made by other candidates or rebuttal of erroneous information disseminated by them.

Should a candidate fail to use time allotted to him/her in one block of electoral broadcasts, he/she forfeits that amount of time. Time allotted to one candidate cannot be transferred to another. If two or more candidates take part in a debate, each is deemed to have used up airtime equal to the duration of the debate. If this debate is run at the beginning of the electoral block, the broadcasts of other candidates who did not take part in the debate are run in accordance to the previously established order.

Candidates are free to determine the contents of their broadcasts as they see fit. They may provide ready-made tapes or use the facilities and studios of Polish Radio and Polish Television to record their broadcasts or transmit them live.

Resolution of the State Electoral Commission  
of April 28 1994 on Free Access to Public Radio  
and Television in Local Government Elections  
of June 19 1994

(*Monitor Polski* No. 23, 1994, Item 192)

Free electoral broadcasts are to be run on regional stations of Polish Television and regional companies of public radio between June 4 and 18 1994. Each station or company should transmit the broadcasts of candidates running for election in the constituencies covered by its transmission area. However, the National Broadcasting Council may decide that the broadcasts should be transmitted by a different nearby station, if that should guarantee better reception.

Each television station allots a total of 10 hours, and each radio company a total of 15 hours for this purpose. Time is allotted to parties or organizations in proportion to the number

of candidates they have registered in the constituencies covered by the particular station's transmission area. Electoral broadcasts must be transmitted in blocks in an order determined by lottery draw. If it proves impossible to maintain proper proportions among parties and organizations in the time available, given that electoral broadcasts must not be shorter than 3 minutes on the radio and 2 minutes on television, then the total time allotted by a particular station for such broadcasts may be extended by no more than 20 percent.

Parties or organizations must apply to station managers for airtime in a prescribed manner, providing documentation that they have registered candidates in particular constituencies. Parties or organizations may appeal to the State Electoral Commission against the allotment of time for their candidates. Should two or more parties or organizations jointly apply for airtime, time allotted to them is the sum of airtime due to each of them separately. Airtime allotted to one party or organization may not be transferred to another.

Resolution of the National Broadcasting Council  
of June 15 1993 on the Obligations of Polish Radio and  
Television during the General Election Campaign of 1993

The National Broadcasting Council has determined that in order to fulfil its obligations as defined by the Broadcasting Act, Polish Radio and Television should:

1. Broadcast, throughout the election campaign, regular programmes devoted to explaining the provisions of electoral law;

At the period preceding the 15th day before polling day (when the broadcasting of free electoral broadcasts was scheduled to begin), transmit on the first channels of Polish Radio and Polish Television regular programmes of a current affairs type, offering national election committees equal opportunities to present their election platforms. These programmes should be prepared by staff journalists of Polish Radio and Polish Television. Similarly, the regional stations of Polish Radio and Polish Television should broadcast in their services programmes presenting the platforms of regional election committees.

3. Refrain from including direct references to the election campaign in other programmes;
4. Ensure impartial news coverage of the election campaign in news programmes, based on the principle of equal treatment of all candidates and parties;
5. Eliminate partisan discussion of election issues and surreptitious campaigning from all programmes;
6. Issue internal regulations defining the obligations of all employees to observe the principle of equality in dealing with campaign issues and not become involved in the campaign themselves.

The National Broadcasting Council has determined that in assessing the work of Polish Radio and Television it will be apply primarily the criteria of impartiality, reliability and professionalism, and the ability to guarantee pluralism. Polish Radio and Television bears full responsibility for all election-related programmes with the exception of electoral broadcasts prepared by election committees themselves. In the latter case, its responsibility concerns preventing any violations of the law and responding in a proper manner to any developments which raise justifiable fears that such violation may have occurred.

Guidelines on Election Coverage  
on Polish Radio and Television  
during the General Election of 1993

(Issued by the President of Polish Radio and Television, and based on similar guidelines developed on the occasion of the 1991 general election)

Apart from making airtime available for electoral broadcasts, Polish Radio and Television defines its duties during the election campaign as follows:

1. to inform the audience about the provisions of the electoral law;
2. to discuss the election platforms of particular election committees and candidates, analyse their similarities or

differences and the stand they take on the main campaign issues;

3. to present the views of public opinion on the platforms of particular parties and candidates, as well as the standing of particular parties and candidates in the polls;
4. to analyse election platforms in terms of the process of political transformation in the country and the prospects they would create for voters;
5. to broadcast the communiqués and instructions of the State Electoral Commission and other bodies concerning the campaign and the voting process;
6. to cover the election campaign.

In particular:

1. Polish Radio and Television should provide comprehensive coverage of the campaign and information about the candidates. News and current affairs programmes should provide extensive information about the parties, their election platforms and candidates, without any bias in favour or against any party or promoting any set of political views. The main principle should be equality of access which puts channel controllers, programme departments and regional stations under an obligation to maintain records of the amount of airtime devoted to particular parties or candidates and to make sure that the principle of equality is honoured.
2. All forms of surreptitious political advertising are banned.
3. When candidates holding public office engage during the election campaign in activities resulting from their official duties, Polish Radio and Television are under an obligation to cover all such newsworthy events, even though the principle of equal time may be difficult to observe in such cases. Special care must be taken to separate coverage of the campaign from coverage of other public events and not to give candidates undue exposure because of other activities they may be engaged in.
4. Emotive language should be avoided in campaign coverage.

5. A series of programmes devoted to a discussion of the election platforms of particular parties should be broadcast in the period immediately preceding the election campaign proper (i.e. they should end before the 15th day in advance of polling day). These programmes should not evaluate the platforms nor engage in any speculation concerning the chances any candidates may have in the election. These programmes must be conducted by experienced journalists not engaged in coverage of the campaign proper. During that time, other non-news programmes should not refer to the election campaign.
6. Polish Radio and Television journalists and other staff members should not take part in preparing the electoral broadcasts of particular parties, nor engage in the election campaign in any manner. Staff members running in the election may not appear on news and current affairs programmes.

Rules concerning the Free and Equal Access  
by Candidates in the 1990 Presidential Election  
to Airtime on Polish Television

(excerpts concerning production procedures and facilities)

1. Polish Television shall furnish the names of staff members responsible for preparing electoral blocks to the candidates and their plenipotentiaries. Their task will be to oversee the technical aspect of preparing electoral blocks strictly in accordance with rules laid down by the State Electoral Commission and to provide any technical assistance necessary.
2. Polish Television makes available Studio No. 6 or a camera team for the purpose of recording electoral broadcasts, to be used in accordance with a timetable decided by a lottery draw, as well as an editing suite to edit tapes recorded in the studio or by the camera team.
3. The camera team consists of three technicians and a journalist responsible for organizing the recording of the broadcast. His/her role is strictly of an advisory nature and his/her involvement in any substantive role takes place

solely at the request of the candidate or his plenipotentiary. Any technical assistance rendered by Polish Television staff which has a bearing on the substantive contents of the broadcast may take place only in the presence of a member of the candidate's staff. Proper note of this must be entered into the production log.

4. Should the candidate or his staff so wish, the camera team will not include any journalist.
5. The candidate or his staff may request that Polish Television second a production manager or journalist to prepare all the electoral broadcasts of that candidate. In such a case the staff member will be given an unpaid leave of absence for the duration of the campaign.
6. All studio equipment, cameras and editing suites are handled solely by Polish Television employees. The candidate's staff may be present at all times during the recording, editing or post-production phases of preparing the broadcast.
7. No electoral broadcasts will be transmitted live.