

MODULE II
THE ROLE OF THE MEDIA
DURING ELECTIONS

2024

NATIONAL AND PROVINCIAL ELECTIONS



Published by the South African National Editors' Forum
<http://sanef.org.za>

Prepared with the assistance of ALT Advisory
<https://altadvisory.africa/>

Funded by the Open Society Foundation for South Africa
<https://www.osf.org.za/>

April 2024

This work is licensed under a Creative Commons Attribution 4.0 International License. This means that you are free to share and adapt this work so long as you give appropriate credit, provide a link to the license, and indicate if changes were made. Full licence terms can be found at <https://creativecommons.org/licenses/by/4.0/legalcode>.



This module is part of a comprehensive set of online election resources which will be updated from time to time in the run-up to the 2024 elections. For further information on the 2024 elections, please visit <https://elections.sanef.org.za>



Contents

1.	Importance of the media during elections	4
2.	International law framework	5
3.	The right of access to information during elections	7
4.	The Electoral Code of Conduct	7
5.	Print and online media.....	8
6.	Broadcast media.....	9
7.	Practical tips for the media for election coverage	13
8.	Suggested resources	15



MODULE II | THE ROLE OF THE MEDIA DURING ELECTIONS

RESOURCES FROM THE PRESS COUNCIL OF SOUTH AFRICA FOR ELECTIONS

The Press Council of South Africa (“Press Council”) has published three key resources that may be relevant for journalists in the upcoming elections:

- Press Council, ‘Code of Conduct and Ethics for the South African Print and Online Media: Decoding the Code sentence by sentence’, (1 January 2019) (accessible [here](#)).
- Press Council, ‘Guidance notes: A brief for journalists covering the elections’, (August 2023) (accessible [here](#)).
- Press Council, ‘Guidance Notes: A brief for journalists on Artificial Intelligence’, (October 2023) (accessible [here](#)).

Overview of this module:

- **The international law framework on the role of the media and the importance of access to information during elections.**
- **The regulatory framework and key provisions on elections relating to print and online media.**
- **The regulatory framework and key provisions on elections relating to broadcast media.**
- **Practical guidance for journalists covering the elections, including frequently asked questions.**

1. Importance of the media during elections

The media plays a pivotal role in elections. As noted by the ACE Electoral Knowledge Network:¹

“The media are essential to democracy, and a democratic election is impossible without media. A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices. Furthermore, media acts as a crucial watchdog to democratic elections, safeguarding the transparency of the process. Indeed, a democratic election with no media freedom, or stifled media freedom, would be a contradiction.”

The media plays many important roles in enabling full public participation in elections, including:

- Educating voters on how to exercise their democratic rights.
- Reporting on the development of an election campaign.
- Providing a platform for the political parties and candidates to communicate their message to the electorate.
- Providing a platform for the public to communicate their concerns, opinions, and needs to the parties and candidates, the election management body, the government and other voters, and to interact on these issues.
- Allowing parties and candidates to debate with each other.
- Reporting results and monitoring vote counting.

¹ ACE Electoral Knowledge Network, ‘Media and elections,’ (accessible [here](#)).

- Scrutinising the electoral process in order to evaluate the fairness of the process.²

The media is expected to maintain a high level of professionalism, accuracy, and impartiality in their coverage during the elections, and different regulatory frameworks exist to guide the media's conduct in this regard. There are different obligations that apply to different platforms, and it bears mention that broadcast media has far more stringent obligations than print media in relation to election coverage.

Members of the media should also exercise appropriate diligence when using social media. Although social media platforms can be a quick and effective way to reach wide audiences and provide up-to-date information, journalists should still apply a professional standard when using such platforms — whether in their personal capacities or for a media organisation — and ensure that any election coverage provided via social media meets the required standards of professionalism, accuracy, and impartiality. For more, see the Social Media Policy Guidelines issued by the Press Council in May 2020 [here](#).

TIPS FOR EDITORS AND REPORTERS TO STAY ON TOP OF THE 24/7 NEWSROOM

Source: Thomson Foundation, 'Covering elections' (accessible [here](#)).

- Monitor the social media universe, as social media can act as early warning indicators. However, this must be applied with caution. Social media can be a tool to collect news, but it can also be a source of rumours, lies, and hatred. Comments should be independently and rigorously verified.
- Journalism is increasingly online, even in traditional media. The internet provides infinite opportunities for reporting, commenting, and interacting with the public. Consider different formats to undertake civic education online.
- If social media is being used as a source for news, every link should be followed through the internet to its source and the original material evaluated. For example, avoid sharing links that have not been read in full.
- Look out for fake accounts, and do some research before spreading research from an account that you are not familiar with.

2. International law framework

There are three key treaties at the international level that have been ratified by South Africa and that are of particular relevance to the role of the media during elections:

- **International Covenant on Civil and Political Rights**, which enshrines the right to freedom of expression in article 19 and the right to participate in public affairs and vote in article 25.
- **African Charter on Human and Peoples' Rights**, which enshrines the right to freedom of expression in article 9 and the right to participate freely in government in article 13.
- **African Charter on Democracy, Elections and Governance**, which provides in article 27(8) that in order to advance political, economic, and social governance, states must commit themselves to promote freedom of expression, in particular press freedom, and fostering professional media.

² *Id.*

There are also a number of relevant declarations and guidelines. Although these are not directly binding on states under international law, they are of relevance as a reflection of good practice and recognised principles:

- **Declaration of Windhoek on Promoting an Independent and Pluralistic African Press** (“Windhoek Declaration”), which is a statement of principles aimed at the promotion of an independent and pluralistic press.
- **African Charter of Broadcasting**, adopted by media practitioners at the ten-year celebration of the Windhoek Declaration, in an effort to expand the relevance of the Windhoek Declaration to address the need for independence and pluralism in radio and television broadcasting.
- **Declaration of Principles of Freedom of Expression and Access to Information in Africa**, which recognises the key role of the media and other means of communications in ensuring the full respect for freedom of expression, promoting the free flow of information and ideas, assisting people to make informed decisions, and facilitating and strengthening democracy. The African Commission on Human and Peoples’ Rights (“ACHPR”) updated the Principles in 2019 to replace those from 2002 to address emerging issues and, particularly, developments in the internet age.
- **Guidelines on Access to Information and Elections in Africa** (“ACHPR Guidelines”), which focuses on access to information during elections. In addition to the guidelines for other stakeholders, it also includes guidelines for media and internet regulatory bodies, and for the media and online media platform providers.
- **Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa**, prepared by the Association of African Election Authorities (“AAEA”), which seek “to enhance the capacities of Election Management Bodies (“EMBs”) and other relevant electoral stakeholders to harness the advantages of social media and tackle the adverse effects of new and emerging digital technologies.”³ Specifically, guideline 16 details the measures and systems that should be put in place to protect journalists, especially women journalists.⁴

ACHPR GUIDELINES AND THE MEDIA

The ACHPR Guidelines provide guidance to different stakeholders to meaningfully give effect to the right of access to information during elections. This includes guidelines for media and internet regulatory bodies, and for the media and online platform providers.

Media and internet regulatory bodies: The ACHPR Guidelines provide that such bodies should adopt regulations on media coverage during elections that ensure fair and balanced coverage of the electoral process, as well as transparency about political advertising policy on media and online media platforms.

Media and online media platform providers: The ACHPR Guidelines set out a list of information that print, broadcast, and online media, both publicly and privately owned, should proactively disclose. This includes, for example, editorial and ethical codes or guidelines; criteria and allocation of airtime or news coverage for political campaign advertisements and activities; and a plan for a transparent repository of all political advertisements.

³ AAEA, ‘Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa’, (2023) (accessible [here](#).)

⁴ *Id.*

3. The right of access to information during elections

The right of access to information is enshrined in section 32 of the Constitution, and it is given effect through the **Promotion of Access to Information Act 2 of 2000 (PAIA)**. The importance of the right is underscored by the fact that it is cross-cutting and is necessary for the realisation of other rights. As noted in the ACHPR Guidelines:

“For elections to be free, fair and credible, the electorate must have access to information at all stages of the electoral process. Without access to accurate, credible and reliable information about a broad range of issues prior, during and after elections, it is impossible for citizens to meaningfully exercise their right to vote in the manner envisaged by Article 13 of the African Charter [on Human and Peoples’ Rights].”

The ACHPR Guidelines provide direction to different stakeholders in the electoral process who have a responsibility to proactively disclose information in their possession or control that is necessary for safeguarding the integrity and legitimacy of the electoral process. This includes election management bodies (EMBs); political parties and candidates; law enforcement agencies; election observers and monitors; media and online media platform providers; media regulatory bodies; and civil society.

In compliance with section 14 of PAIA, the Independent Electoral Commission (IEC) has published an access to information manual.⁵ Chapter 2, in particular, sets out the provisions relating to access to records, including the records kept in accordance with legislation; the categories of records held by the IEC that must be formally requested; and the automatic disclosures that are made available without formal request on the IEC’s website and in the form of brochures. It also sets out the request procedure that must be followed.

PUBLICLY AVAILABLE IEC API FOR ELECTION DATA

Accessible [here](#).

An important development during the 2019 national elections was the decision by the IEC to make a live feed in the form of a publicly available API to provide election data in real-time to the media and other interested parties. The source data includes real-time voter and voting station information, as well as election results data. The API will again be made available for the 2024 national and provincial elections. Requests for a username and password should be sent to webmaster@elections.org.za.

It should be noted that the right of access to information should be balanced against the right to privacy contained in section 32 of the Constitution. The **Protection of Personal Information Act 4 of 2013 (“POPIA”)** sets out requirements that must be complied with for the permissible processing of personal information, provisions which came into force on 1 July 2021. In addition to POPIA, the right to privacy is well-entrenched under South African law. In light of the reams of personal information collected and used during the election period, including voter information, respecting and protecting the right to privacy during the election period is critical.

4. The Electoral Code of Conduct

An introduction to the **Electoral Code of Conduct** (“Electoral Code”) has been provided in **Module I**. The important role of the media during elections has given rise to express recognition and protection of the media within the electoral law framework. However, as is to be expected,

⁵ IEC, ‘Access to information manual’, (February 2015) (accessible [here](#)).

there are likewise specific rules and expectations relating to the media's conduct during election periods.

The Electoral Code requires political parties and candidates to respect the role of the media during elections.⁶ It provides as follows:

- "Every party and every candidate—
- (1) must respect the role of the media before, during and after an election conducted in terms of [t]he Electoral Act];
 - (2) may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
 - (3) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters."

5. Print and online media

The Press Code of Ethics and Conduct for South African Print and Online Media

The Press Council and the Interactive Advertising Bureau of South Africa ("IABSA") have adopted the Press Code of Ethics and Conduct for South African Print and Online Media (Press Code), which is applicable to print and online media and which was last updated in September 2022.⁷ The Press Code sets out the standard expected of the print and online media, including with regard to the gathering and reporting of news;⁸ privacy and the protection of personal information;⁹ children;¹⁰ and violence and graphic content.¹¹

The preamble to the Press Code states:

"As journalists we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, and exhibiting sensitivity to the cultural customs of their readers and the subjects of their reportage, and acting independently."

Section 2 of the Press Code also sets out the provisions regarding independence and conflicts of interest. Regarding payment for information, the Press Code provides that the media must avoid "shady journalism" in which informants are paid to induce them to give information, unless the material ought to be published in the public interest and the payment is necessary for this to be done.¹²

Complaints against the media for contraventions of the Press Code are dealt with through the Complaints Procedures.¹³ Complaints must be made within 20 working days of the publication of the offending material, except in special circumstances where the delay is justified. If a finding is made against a publication that has voluntarily become subject to the jurisdiction of the Press Ombud, the Complaints Procedure sets out the sanctions that may be applied, including a caution or reprimand to the publication; a direction that a correction, retraction, or apology be published; or that a complainant's reply be published.¹⁴ A hierarchy of sanctions exists ranging from

⁶ Section 8 of the Electoral Code.

⁷ The Press Code, (2020) (accessible [here](#)).

⁸ Section 1 of the Press Code.

⁹ Sections 3-4 of the Press Code.

¹⁰ Section 8 of the Press Code.

¹¹ Section 9 of the Press Code.

¹² Section 12 of the Press Code.

¹³ The Press Council, 'Complaints,' (2020) (accessible [here](#)).

¹⁴ Section 7(2) of the Complaints Procedure.

relatively minor infractions such as the misspelling of names to allowing commercial, political, personal, or other non-professional considerations to influence reporting.¹⁵

Specific requirements for printed election material: Section 107 of the Electoral Act

Section 107 of the **Electoral Act** places specific controls on printed election media from the time the election is called to the date the election results are announced. During this period:

- Any billboard, placard, poster, or pamphlet intending to have an effect on the outcome of the election must clearly state the full name and address of the printer and publisher.¹⁶
- The publisher of any publication must put a heading on articles saying 'advertisement' if an article is paid for and comes from the following: (i) a party (including office-bearers); (ii) members and supporters; or (iii) a candidate contesting elections (including supporters).¹⁷

6. Broadcast media

The regulatory framework

There are a number of pieces of legislation of relevance to the broadcast media. This includes the following:

- **The Broadcasting Act 4 of 1999:** The stated objects of the Broadcasting Act¹⁸ include to establish and develop a broadcasting policy in the public interest; to safeguard, enrich, and strengthen the cultural, political, social, and economic fabric of South Africa; to ensure plurality of news, views, and information; and to establish a strong and committed broadcasting service that will serve the needs of all South African society. Chapter IV of the Broadcasting Act provides for the incorporation of the SABC and for the Charter of the SABC.
- **The Independent Communications Authority of South Africa Act 13 of 2000 (ICASA Act):** Section 3 of the ICASA Act establishes the Independent Communications Authority of South Africa (ICASA) as a juristic person that is independent and subject only to the Constitution and the law, and which is required to be impartial, perform its functions without fear, favour, or prejudice, and which must function without any political or commercial influence. ICASA is required to regulate broadcasting in the public interest and to ensure fairness and diversity of views broadly representing South African society; regulate telecommunications in the public interest; and achieve the objects in the underlying statutes.¹⁹
- **The Electronic Communications Act 36 of 2005:** The aims of the Electronic Communications Act include to promote convergence and set up a legal framework for bringing together the broadcasting, broadcasting signal distribution, and telecommunications sectors. Regarding media coverage, the Electronic Communications Act deals with party election broadcasts;²⁰ political advertising on broadcast services;²¹ and equitable treatment of political parties by broadcasting service licenses during the election period.²²

¹⁵ Section 8 of the Complaints Procedure.

¹⁶ Section 107(2) of the Electoral Act.

¹⁷ Section 107(3) of the Electoral Act.

¹⁸ Section 2 of the Broadcasting Act.

¹⁹ Section 2 of the ICASA Act.

²⁰ Section 57 of the Electronic Communications Act.

²¹ Section 58 of the Electronic Communications Act.

²² Section 59 of the Electronic Communications Act.

SECTIONS 57-59 OF THE ELECTRONIC COMMUNICATIONS ACT

Sections 57-59 of the Electronic Communications Act are particularly relevant to the elections as they set out specific responsibilities during the election period:

- Party election broadcasts:** Section 57 provides that a public broadcasting service licensee must permit a party election broadcast only during an election broadcast period, and only if the broadcast is produced on behalf of a political party at the instance of its duly authorised representative. It also requires ICASA to determine the time to be made available to political parties for this purpose and permits ICASA to impose any conditions on a public service broadcasting licensee with respect to party election broadcasts as it considers necessary. No party election broadcast may be broadcast later than 48 hours prior to the start of the polling period. Commercial or community media licensees are not required to broadcast party election broadcasts but must comply with the provisions of this section if they choose to do so.
- Political advertising on broadcasting services:** Section 58 states that a broadcasting service licensee is not required to broadcast a political advertisement; however, in the event that they elect to do so, they must afford all other political parties a similar opportunity if they request it. A licensee may broadcast a political advertisement only during an election period and only if the broadcast is produced on behalf of a political party at the instance of its duly authorised representative. No political advertisement may contain any material that could reasonably be anticipated to expose the broadcasting service licensee to legal liability if broadcast. No political advertisement may be broadcast later than 48 hours prior to the start of the polling period. In making advertising time available to political parties, no broadcasting service licensee may discriminate against or give preference to any political party, or subject any party to any prejudice.
- Equitable treatment of political parties by broadcasting service licensees:** Section 59 provides that if during an election period the coverage of any broadcasting service extends to the field of elections, political parties and issues relevant to this, the licensee must afford reasonable opportunities for the discussion of conflicting views and must treat all political parties equitably. If criticism is levelled against a political party during a programme without them having been afforded an opportunity to respond in the programme or without the view of the political party being reflected in the programme, the licensee must provide the party with a reasonable opportunity to respond to the criticism. In addition, if within 48 hours before the start of the polling period or during the polling period, a licensee intends to broadcast a programme in which a particular political party is criticised, the licensee must ensure that the political party is given a reasonable opportunity to respond, either in the same programme or as soon as is reasonably practicable thereafter.

In 2014, ICASA published the Regulations on Party Election Broadcasts, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matters (“Election Broadcasting Regulations”), published in terms of the ICASA Act read with the Electronic Communications Act.²³ The Election Broadcasting Regulations are applicable as follows: (i) during an election period; (ii) to broadcasting service licensees; and (iii) to political parties contesting the national and provincial elections. The Election Broadcasting Regulations provide a more detailed framework in respect of sections 57 to 59 of the Electronic Communications Act for party election broadcasts and political advertising. In respect of equitable treatment, ICASA provides the following guidance to broadcasters:

²³ GN 101 of 2014 in GG No. 37350 (17 February 2014).

- Broadcasters should take special care during the final 48 hours prior to election day. Given the limited time, broadcasters should ensure that parties are given time to reply, should this be necessary, within the same programme during this period.²⁴
- Each broadcasting service licensee should be consistent in its treatment of contesting parties and of conflicting views.²⁵
- With regard to rhetorical criticisms, broadcasting service licensees must have the flexibility to incorporate responses into their formal news patterns. With regard to damaging criticisms, broadcasting service licensees should give the offended party an opportunity to respond at the earliest and most appropriate opportunity to do so.²⁶
- Broadcasting service licensees need to ensure that, during the election period, they do not afford the policies of incumbent parties' greater legitimacy than they would afford those policies or actions if the party was not in government.²⁷
- Broadcasting service licensees, particularly the public broadcasting service licensee, have an obligation to inform the electorate of the election results, as they become available. Special care should be taken to ensure the accuracy of all results broadcast.²⁸

Recently, ICASA also published an Amendment to the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations, 2014. The changes to regulations, which seek to accommodate independent candidates, include:

“To make provision for independent candidates, Party Election Broadcasts are now redesignated as ‘Political Election Broadcasts’ (PEBs).

The duration of PEBs has been reduced from 50 seconds to 40 seconds, with a concomitant increase of PEB slots from 10 slots per day to 12 slots per day.

A commercial or community broadcasting BSL that intends to broadcast PEBs must inform the Authority in writing of its intention to do so within 20 calendar days of the publication of these Regulations. The Authority will thereafter publish the list of BSLs that will be broadcasting PEBs.

Political parties and independent candidates are required to submit their PEBs to those BSLs participating in the broadcast of PEBs within five (5) calendar days after the publication in the Gazette of the list of BSLs that will be carrying PEBs.

A BSL that rejects a PEB submitted to it must within 5 days furnish the independent candidate or political party concerned with reasons for the rejection.”²⁹

PRINCIPLES OF FAIRNESS IN ELECTION COVERAGE

Regulation 4(1) of the content guidelines in the Election Broadcasting Regulations sets out the following principles of fairness:

²⁴ Regulation 2 of the Election Broadcasting Regulations.

²⁵ Regulation 3(1) of the Election Broadcasting Regulations.

²⁶ Regulation 4(2) of the Election Broadcasting Regulations.

²⁷ Regulation 4(3) of the Election Broadcasting Regulations.

²⁸ Regulation 4(5) of the Election Broadcasting Regulations.

²⁹ ICASA, ‘ICASA amends the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations, 2014’, (28 February 2024) (accessible [here](#).)

- All news coverage should be fair to all interests concerned.
- Care should be taken to balance the exposure given to the non-political activities of candidates (such as attendance at functions, sporting events, and so on).
- All parties should receive equitable treatment on current affairs programmes. If the programme intends to feature party representatives, parties contesting the elections must be invited, with reasonable notice, to participate either in the same programme or in a series of programmes.
- The requirement that broadcasters give an opportunity for conflicting views to be heard should not be interpreted as a requirement that all parties 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.

Lastly, it is worth noting that in addition to the above, broadcasting licensees must also follow the **Code of Conduct for Broadcasting Services** (“Broadcasting Code”), issued in terms of the Electronic Communications Act.³⁰ The purpose of the Broadcasting Code is to set the standards according to which broadcasting service licences will be monitored by ICASA. The Broadcasting Code expressly indicates that during any election period, Sections 56, 57, 58 and 59 of the Electronic Communications Act apply. Licensees under the jurisdiction of the Broadcasting Complaints Commission of South Africa (“BCCSA”) are also required to follow the relevant **BCCSA Code of Conduct** (for Free to Air Licensees or Subscription Broadcasting Service Licensees).

Community Radio Election Guidelines

The **Community Radio Election Guidelines** were developed by the National Community Radio Forum in 1999 and have since been adapted for subsequent elections. While community media organisations are still required to follow all applicable broadcast and electoral laws and regulations that affect elections,³¹ the Community Radio Election Guidelines are aimed specifically at assisting community radio stations to entrench their role.³² The guiding principles include contextualising and presenting news honestly; committing to the community’s right to know the truth; and ensuring an open dialogue with listeners as part of accountability to the community.

In terms of programming, the Guidelines also set out particular considerations on which stations should base their election programming. This includes, for instance, focusing on their local community during the election; using languages preferred by their community; and ensuring that the community is informed about local day-to-day election developments. The Community Radio Election Guidelines contain similar provisions to the Municipal Election Broadcasting Regulations on the principles of equitability in broadcasting.

Complaints against broadcast media: ICASA and the BCCSA

ICASA consists of monitoring officers, who check whether broadcasters are following the terms, conditions, and duties of their licences, and complaints officers, who receive complaints from the public about broadcasters and arrange hearings before the Complaints and Compliance Committee (“CCC”). The CCC is a seven-person committee and is empowered to decide on complaints from the public about broadcasters not following licence conditions, to hold hearings with complainants and broadcasters, and to make recommendations to the ICASA Council on action to be taken against broadcasters.

³⁰ GN 958 of 2009 in GG No. 32381 (6 July 2009).

³¹ Including ICASA’s ‘Community Broadcasting Services Regulations 2019 - with Reasons’, (2019) (accessible [here](#)), which provide an operating framework for Community broadcasters as it relates to the registration, renewal, transfer, and amendment of licensees, their governance and management structures, and principles of community participation.

³² IEC, ‘Media guide: National and provincial elections’, (2014) at p 79 (accessible [here](#)).

The Election Broadcast Regulations provide that any person who is aggrieved by a political election broadcast or political advertisement can lodge a complaint with ICASA within 48 hours after the broadcast.³³ ICASA is required to communicate the outcomes of the complaint to the parties within 48 hours of determining the complaint.³⁴

WHAT IS THE RELATIONSHIP BETWEEN ICASA AND THE BCCSA DURING ELECTIONS?

The National Association of Broadcasters established the BCCSA as a self-regulatory body that receives and decides on complaints from the public about its members. The BCCSA has its own constitution, Codes of Conduct and procedures, as well as its own complaints mechanism. However, for election-related matters, Section 14 of the BCCSA's Free-to-Air Code of Conduct for Broadcasting Service Licensees provides that:

“During any election period, as defined in the Act, sections 56, 57, 58 and 59 of the Act and regulations issued in terms thereof apply. The BCCSA does not have jurisdiction in these matters and complaints must be directed to the Complaints and Compliance Committee of the Independent Communications Authority of South Africa.”

Notably, the BCCSA's Code of Conduct for Subscription Broadcasting Service Licensees does not contain an equivalent provision.

Prohibitions on the publication of certain visuals

The publication of the following images or visuals by any person – including the media – is prohibited:³⁵

- An image of a marked ballot.
- Any visuals inside the boundaries of a voting station without the permission of the affected voter and the presiding officer.
- Any visuals where the secrecy of a voter's ballot may be compromised.

7. Practical tips for the media for election coverage

FAQs FOR ELECTION COVERAGE

Do I need accreditation for voting or counting stations?

Media representatives do not need formal accreditation from the IEC to get access to voting or counting stations, but they are required to be clearly identifiable as members of the media. This is done by presenting a valid press identity card, or a signed letter from the editor on the organisation's letterhead with an identity document or passport. If any difficulties are encountered, the presiding officer or counting officer should be approached for assistance.³⁶ Queries falling outside the mandate of the presiding officer will be escalated to the official spokesperson of the IEC at the Results Operation Centres (ROCs), either nationally or provincially.

³³ Regulation 7(1) of the Election Broadcast Regulations.

³⁴ Regulation 7(3) of the Election Broadcast Regulations.

³⁵ IEC, below n 40 at pp 59.

³⁶ IEC, 'Municipal elections handbook', (2016) (accessible [here](#)).

Is the presiding officer obliged to grant me access to a voting station?	Access to a voting station is at the discretion of presiding officers, and they are under no obligation to grant the media access or to discuss activities in the voting station. If a member of the media is of the view that access has been unreasonably withheld, it is possible to appeal to the provincial electoral officer.
Do I need accreditation for access to the ROCs?	Members of the media will need accreditation to access all ROCs. The IEC will make available a list of contact persons for the national and provincial ROCs prior to the election date.
Who am I allowed to interview at the voting station?	With the exception of the presiding officer, no interviews may be conducted with any other staff of the voting station or the IEC at a voting station. Presiding officers are mandated to discuss voter turnout and arrangements for voting at their station. Voters, party agents, candidates and accredited observers have to be interviewed outside of the boundaries of a voting station.
Are there any visuals that are not permitted?	The publication of the following images or visuals by any person, including the media, is prohibited: an image of a marked ballot; any visuals inside the boundaries of a voting station, without the permission of the affected voter and the presiding officer; any visuals where the secrecy of a voter's ballot may be compromised. ³⁷
Am I entitled to have access to the results slips?	Although copies of the results slips will not be made available to the media, a copy of the results slip for each election in each voting district is placed on the door of the voting station at the close of counting of ballots, which will enable the media to have access to the results slips. The electronic results will be available on the IEC website as soon as the results have been verified and entered by the IEC's municipal offices.
Can I report on opinion polls?	There is no prohibition on the publication of opinion polls. However, caution should still be exercised. Questions to consider include: (i) who was interviewed; (ii) under what conditions were the interviews conducted; (iii) when was the poll conducted; (iv) who conducted the poll; and (v) what was the percentage of error? ³⁸ It is a good journalistic practice to disclose sample size, polling methodology, and margin of error if opinion poll data is used.
Can I report on exit polls?	Section 76 of the Municipal Electoral Act provides that no person – including the media – may print, publish, or distribute any exit polls taken during elections during the hours of voting.

³⁷ IEC, 'Municipal elections handbook', (2016) at p 59 (accessible [here](#)).

³⁸ Constitutional Rights Foundation, 'Election central: Assessing public opinion polls', (2019) (accessible [here](#)).

What role do observers play?

An observer is a neutral outsider who is present and sees what happens during voting, counting, and the determination and declaration of results, and can tell the world that the process was transparent, free and fair – or not. Observers may be from civil society organisations, or from regional or international bodies such as the African Union (AU) or the Commonwealth, and can offer advice and support to the IEC. Observers are accredited in terms of the Regulations on the Accreditation of Observers, 1999, which includes a code of conduct for observers.

At the time of publication, the IEC had not yet published its media guide for the 2024 general election. While it is not anticipated that there are likely to be any significant changes from the IEC's approach in the previous elections, it is advisable that all members of the media covering the elections familiarise themselves with the IEC's online News and Media Centre as well as the 2024 election information centre.

8. Suggested resources

- AAEA, 'Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa', (2023) (accessible [here](#).)
- Africa Check, 'Guide: Understanding and reporting on opinion polls', (5 March 2014) (accessible [here](#)).
- ICASA, 'Regulations on Party Election Broadcasts, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matters', (2014) (accessible [here](#)).
- IEC, 'Access to information manual', (2015) (accessible [here](#)).
- IEC, 'Media guide: National and provincial elections', (2014) (accessible [here](#)).
- IEC, 'Municipal elections handbook', (2016) (accessible [here](#)).
- Windhoek Declaration (1991) (accessible [here](#)).
- Press Council, 'Code of Conduct and Ethics for the South African Print and Online Media: Decoding the Code sentence by sentence', (1 January 2019) (accessible [here](#)).
- Press Council, 'Guidance notes: A brief for journalists covering the elections', (February 2019) (accessible [here](#)).
- UNESCO, 'African Digital Platform for the Safety of Journalists'(accessible [here](#)).
- Centre for Human Rights, 'Proactive Disclosure of Information and Elections in South Africa,' (2020) (accessible [here](#)).

