

## Publication and broadcast of partisan content by the media during an election period

Reference: *Election Act*, sections 402, 404(1), 404(3), 405, 413, 417, 421 and 423

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### PURPOSE

To clarify the rules applicable to media outlets for publishing and broadcasting partisan content, including advertising, during an election period.

### EXCEPTIONS TO THE NOTION OF ELECTION EXPENSES

Costs associated with publishing articles, editorials, news reports, interviews, columns or letters to the editor in a newspaper or other periodical do not constitute election expenses, provided the following conditions are met:

- The newspaper or periodical publishes the content without payment, reward, or promise of payment or reward.
- The newspaper or periodical has not been established for the purposes of or in view of the election.
- The circulation and frequency of publication remain the same as outside the election period.

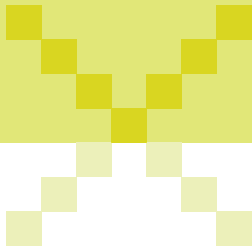
The cost of broadcasting a public affairs, news or commentary program on a radio or television station is not considered an election expense, provided the following condition is met:

- The program is broadcast without payment, reward, or promise of payment or reward.

### FREE SPACE AND BROADCAST TIME

During an election period, a media outlet may offer party leaders and candidates free space or broadcast time, provided the following conditions are met:

- The service is offered either to all candidates in a given electoral division or to the leaders of all parties represented in the Assemblée nationale and all parties that received at least 3% of the votes cast in the last general elections;
- The service is offered to the candidates or parties in an equitable manner, in both qualitative and quantitative terms.



# DIRECTIVE D-32

## RULES APPLICABLE TO ELECTION ADVERTISING

During an election period, the cost of publishing or broadcasting an advertisement that has a partisan effect constitutes an election expense within the meaning of section 402 of the *Election Act*. The official agent of a party or candidate is responsible for authorizing and discharging payments to media outlets out of the election fund. The media outlet may not claim or accept a lower price than the current price, nor may it waive the fee for its services.

Before accepting or fulfilling a request to publish or broadcast an advertisement that constitutes an election expense, a media outlet must ensure that the order has been authorized by the official agent of a party or candidate, or by the official agent's deputy. Every advertisement published or broadcast during an election period must include the name and title of the official agent or deputy who had it published or broadcast.

In cases where an advertisement contains an error, the media outlet may not issue an erratum, nor may it republish or rebroadcast the advertisement free of charge. Any republication or rebroadcast designed to correct the error should be invoiced at current market value and treated as an election expense.

## DIGITAL EQUIVALENTS

Digital equivalents of newspapers, periodicals, radio stations and television stations are considered media outlets covered by the exceptions and rules presented in this directive. Accordingly, media outlets are covered by these exceptions regardless of the publication or broadcast platform they use. This includes social networks, microblogging platforms and video- or photo-sharing platforms.

For example, the following media interventions could be covered:

- a newspaper published exclusively through a mobile device application;
- a program produced in the form of a podcast;
- video commentaries broadcast on a social media.