

Note to Broadcasters

Election programming

On 23 May 2019 there is the possibility that there will be European Parliamentary elections in the UK. Should those elections take place, Ofcom reminds all broadcasters of the rules for election-related programming. In particular, broadcasters should ensure that they comply with [Sections Five](#) (Due Impartiality)¹ and [Six](#) (Elections and Referendums)² of the Code, as well as the prohibition on political advertising contained in section 321 of the Communications Act 2003 and reflected in Section 7 of the BCAP Code.

As in previous years, following the removal³ of the concept of larger parties from our rules and to help broadcasters to take editorial decisions during election campaigns, on 14 February 2019 we published⁴ an [annual digest](#) of past electoral and current support ahead of the elections taking place on 2 May 2019. This also sets out the factors we consider when making decisions on election-related programming, including putting more weight on evidence of past electoral support than evidence of current support (e.g. opinion polls). We have published⁵ an additional digest of past electoral and current support ahead of the European Parliamentary elections, which may take place in the UK on 23 May 2019. This document should be read in tandem with the digest of evidence of past electoral support and evidence of current support that we published on 14 February 2019

The rules in Section Six of the Code will apply when the “election period” commences. In the case of the European Parliamentary elections which may be contested on 23 May 2019 in the UK, this period begins on 12 April 2019 (in the case of the South West electoral region only) and 15 April 2019 (in the case of all electoral regions, except the South West).

Ofcom will consider any breach arising from election-related programming to be potentially serious and will consider taking appropriate regulatory action, which could include the imposition of a statutory sanction.

¹ See [Ofcom’s published Guidance to Section Five](#) (https://www.ofcom.org.uk/_data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf)

² See [Ofcom’s published Guidance to Section Six](#) (https://www.ofcom.org.uk/_data/assets/pdf_file/0034/99178/broadcast-code-guidance-section-6-march-2017.pdf)

³ On 22 March 2017, Ofcom published its [Statement amending its rules in the areas of due impartiality, due accuracy, elections and referendums](#) (https://www.ofcom.org.uk/_data/assets/pdf_file/0030/98148/Due-impartiality-and-elections-statement.pdf). In the Statement, we set out our decision to remove the concept of larger parties from Section Six of the Code and Ofcom’s rules on Party Political and Referendum Broadcasts.

⁴ See [Ofcom’s annual digest of past electoral and current support](#) (https://www.ofcom.org.uk/_data/assets/pdf_file/0017/112094/evidence-past-current-electoral-support-may-elections-2019.pdf)

⁵ See: [Ofcom’s additional digest of past electoral and current support](#) (https://www.ofcom.org.uk/_data/assets/pdf_file/0018/144531/evidence-past-current-electoral-support-european-elections-may-2019.pdf)

If a complaint is made which raises a substantive due impartiality issue during the election period and in Ofcom's opinion the complaint, if upheld, might require redress before the election, it will be considered by Ofcom's Election Committee⁶. In these cases, it will be necessary for Ofcom to act quickly to determine the outcome in a proportionate and transparent manner before the election, and broadcasters should be prepared to engage with Ofcom on short timescales.

For further information about the European Parliamentary elections which may be contested on 23 May 2019 in the UK, broadcasters should visit the Electoral Commission website at www.electoralcommission.org.uk

If broadcasters would find it helpful to discuss the rules in Sections Five and Six of the Code, they can contact Ofcom (OfcomStandardsTeam@ofcom.org.uk).

⁶ See [Ofcom Election Committee's Terms of Reference](#)