

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
INTRODUCTION	<p>A key component of any Political Party and Election Campaign Finance Reform legislation are regulations to govern advertising in an election period. The outcome of Elections is greatly influenced by the quantum of money spent on media communications that Political Parties have at their disposal. In this document, we have defined three kinds of regulations: those providing free or subsidised advertising for candidates or parties, those controlling or banning certain advertising activities and practices, and those defining the campaign period to which advertising rules apply.</p>			
WHY REGULATE?	<p>Advertising and its broadcast is critical to the outcome of an election campaign. Television and particularly the internet, have become the most efficient way for Political Parties and candidates to reach the Electorate. It is for this reason that a code governing its conduct must become part and parcel of legislation on Campaign and Party financing.</p>	<p>Advertising plays a critical role in the democratic process called elections thereby making it necessary to regulate not only the election process, but also all communications via advertising which seeks to determine and influence this process of voting.</p>		
WHAT IS POLITICAL ADVERTISING?	<p>The most obvious definition of Political Advertising is that which is broadcast during an Election campaign. However, no definition would be complete without acknowledging that political ads may appear in relation to other key political activities, such as governmental, third Party and electoral advertising both during and outside of an election.</p>			

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BEST PRACTICE	<p>These Best Practices have been culled to help establish regulations for all political advertising. It is the intention that these Best Practices form the basis of an efficient and effective governance system and that all political advertising, is firmly anchored in principle.</p>	<p>Best Practices may be established via legislation or by convention. Practices derived by virtue of convention adopt a more circuitous route to development. It is therefore the opinion of advertising practitioners that there is a need to escalate the process for compliance, whilst at the same time recognizing that there are some practices which should be left to self-regulation.</p>		
GOVERNMENT ADVERTISING	<p>All government advertising, or the advertisements that governments use to promote or explain government policies and programs</p>			
ADVERTISING MEDIA	<p>Best Practices should encompass all advertising media, print, electronic, outdoor, voter contact services and internet based communications.</p>	<p>The introduction of the now defunct Cybercrime Bill placed greater emphasis on the regulation of the internet. This has now been included in the Strategic Services Amendment Bill.</p>		
THIRD PARTY POLITICAL ADVERTISING	<p>Refers to all lobby groups and private interest advertising, or the advertisements that unions, business leaders, 'issue' groups and so on use to sway public opinion and politicians.</p>			
ELECTION ADVERTISING	<p>All Election advertising refers to the advertisements that candidates and parties utilise during an Election campaign to persuade voters to vote for them.</p>			

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UNIVERSAL PRINCIPLES	All Best Practices in Advertising need to be based on Universal Principles of Fairness, Truth, Accountability and Transparency and above all, MUST uphold all democratic principles.	The advertising industry is self-regulated, making the adherence to Best Practices and ethical conduct a subjective consideration. The absence of the consequences for disregarding the TTBS Advertising Guidelines, the Civil Society Code of Ethical Political Conduct, or having any pertinent legislation are major deterrents to the conduct of a free and fair election. The fusion of the political and governmental roles has contributed to the undermining of the democracy.		Fair and Free Elections - An Informed Electorate - Freedom of Association - Choice full - Freedoms of expression
GROWING A DEMOCRACY	All Best Practices should reinforce and strengthen Democracy and encourage the widest possible participation in the process of electing a government.			
AN INFORMED ELECTORATE	All Best Practices should have as their central theme the creation of an informed Electorate.	This also serves to support a fundamental Best Practices of the democratic election which seeks to nurture an informed Electorate.		Strategic Placement, Content and Imagery: there were incidents where State/Government advertising appeared in sync (intentionally or by chance) with political/Party advertising in terms of placement in the media and similar content as well common/shared imagery in the case of the print media. These aberrations occur with every election. Tax payer dollars are used to blur the lines between Government and Party.
TTBS ADVERTISING GUIDELINES	Best Practices need to be anchored in the Best Practices of the general advertising guidelines by the Trinidad and Tobago Bureau of Standards.	The Bureau of Standards has put forward Guidelines which specifies the standards to govern all Advertising. This needs to be finalised as a matter of urgency. The study done by the TTBS relied on Ad codes from the Canadian, UK, Malaysian and Australian advertising codes.		See Guidelines attached

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<p>CODE OF ETHICAL POLITICAL CONDUCT</p>	<p>Best Practices are also to be viewed within the context of the Code of Ethical Political Conduct for elections subscribed to by all political parties. Ads and their broadcast should reflect the prescribed Code as well as steer clear from advertising which broadcasts any of the prohibitive conduct.</p>	<p>The last general election period was characterized by a dramatic increase in the volume of state sponsored media advertising. Such advertising, much of which bore the National Coat of Arms, is a clear breach of Best Practices and the Code of Ethical Political Conduct.</p>		
<p>LEGISLATION</p>	<p>Best Practices need to be anchored in legislation such as: Procurement, FIU, Campaign Finance, The EBC Act, The Fairtrade Act; all of which impinge on or have implications for Political Advertising.</p>	<p>Advertising Campaign Regulations must take into account all legislation which will impact on them and must be reconciled within the larger body of Laws.</p>		
<p>FIXED ELECTION DATES</p>	<p>All Best Practices need to be considered within the context of whether there is a fixed Election period.</p>	<p>There is ample evidence to support the claim that an Election campaign can be disruptive to both the economy and society as a whole. It is a period characterized by heightened emotions and grave consequences and as such, consideration should be given to defining the Election period.</p>		
<p>ELECTION FUNDING</p>	<p>Best Practices can vary depending on whether a campaign is financed privately or publicly.</p>	<p>Most jurisdictions have some form of mixed private and public.</p>		

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COMPARATIVE STUDY	This study was a comparative work and relied on the advertising Laws in both the developed and developing world. Countries such as the UK, Australia, Canada, New Zealand and Germany provided much of the way forward for us.	Most countries were far more advanced with respect to the regulation of the Best Practices, compared with the United States whose First Amendment right makes regulation challenging. This comparative framework spanned the gamut from those which were heavily regulated and those which were not regulated at all. Trinidad and Tobago (T&T) fell at the far end of the spectrum.		
GROWING YOUR DEMOCRACY	Best Practices in Political advertising should contribute to, enhance and serve to develop a sustainable democracy. All practices should encourage debate and serve to educate and inform the voter on the issues, process and choices available.			
SUSTAINABLE DEMOCRATIC DEVELOPMENT	All Best Practices in Advertising should strive to strengthen and protect the integrity of the process through which a government is formed, by and for the People in accordance with the Code of Ethical Political Conduct.	A free and fair electoral process which seeks to encourage participation is crucial for sustainable democratic development. Political advertising should seek to adhere to this standard.	www.idea.int/elections/introduction	Section B Prohibited Conduct. Art. 14: Not indulge in negative campaigning or advertising or any action which would bring the political process into disrepute.

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COOLING OFF	Best Practices advocate a cooling off period for electronic media applied to all political parties and candidates, to allow for reflection by electors without the constant barrage of advertising.	The observation of this practice does not mean that all interaction should cease but rather that the interactions become more personal. Therefore, this should not apply to physical political meetings and activities such as canvassing, rallies and motorcades etc....or for that matter, ads relating to same to inform on venue, date and time. Finally, this practice also prevents Political Parties making claims which are not subject to either scrutiny or mediation.	ref: Australian Elections Law specifies three days.	The aim of the last clause, which requires what is commonly known as the electronic media 'blackout', is to 'provide a "cooling off period" for electors to consider their stance on the issues without the influences of electronic media advertising. In Australia, this provision had been in place for about 50 years before being deemed unnecessary in 1991 when a complete election advertising ban was imposed. However, it was re-enacted in 1992 after a High Court decision declared the complete ban invalid. The 'blackout' can also be seen to prevent Parties making claims late in election campaigns that cannot be scrutinised before election day.
FIXED ELECTION DATES	The fixing of an election date or period is desirable, as it would then be easy to determine the time period within which the regulations would apply. More importantly, it would also establish the period for the application of the regulations.	Most jurisdictions designate a fixed election period (15 days to six weeks) and prohibit ads before and after. This applies only to electronic mass media. Most other jurisdictions allow political advertising throughout the governing period. In T&T, Political Party ads are not seen outside of the election campaign.	Ref:Spain	
ISSUES BASED CONTENT	Moral suasion should encourage advertising based on an issues, to assist the voter in making an informed decision on the basis of what would be right for them.	There is a burning need to refocus campaigns on policy and plans. The "carnivalization" only serves to distract the Electorate from the seriousness of issues.	Ref: TT Code of Conduct, characteristic of Israeli Elections debate.	Art. 9 Confine their criticism of other Political Parties to their policies and programmes, past record and work - Code of Conduct

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POLITICAL PARTY LEGISLATION	All Political Parties should be a registered entity according to the criteria established. They should also be subject to proper financial oversight and scrutiny.	Any legislation to regulate campaign finance must go hand in hand with legislation that seeks to bring transparency to the whole issue of Party financing. Most developed democracies include legislation to register Political Parties and to disclose and report all finances.	Ref: Australia, UK and Canada	The definition of campaign expenditure for Political Parties extends to "Party political broadcasts, advertising, unsolicited material to electors, manifesto or other policy documents, market research and canvassing, media/publicity, transport, rallies or other events." The law also requires that any notional expenditure (incurred when another person pays the cost that the Political Party would have otherwise had to pay) be counted as a campaign expenditure incurred by the Party. http://www.loc.gov/law/help/campaign-finance/uk.php
ENCOURAGE VOTING	Best Practices dictates that all ads be designed to encourage voting.	It is the aim of every democracy to encourage the widest possible participation in the electoral process.	http://www.legislation.gov.uk/ukpga/2000/41/part/VII/chapter/III	Political Parties, Elections and Referendums Act 2000. Refer also to Tim Hamel-Smith no vote campaign.
CITIZENS RIGHTS TO PRIVACY	The maintenance of a "do not call list" is to be legislated with respect to voter contact programmes.		Ref: USA	
OBJECTIVE PROGRAMMING	All media are required to dedicate a certain amount of hours to objective programming explaining the significance of the Elections for the life of the State as well as the Election process in general.	This practice will take us one step closer to the development of an empowered civic-minded citizenry who actively participates in the affairs of the country. Another important outcome of this exercise will be to educate the voter in the correct practices and counteract illegal voter manipulation.	Portugal. Art 62 Parliamentary law. Germany.	

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<p>THE FAIRNESS PRINCIPLE</p>	<p>The Fairness Doctrine is the foundation upon which all democracies are based. As it applies to Advertising, the Best Practices which espouse this doctrine are designed to level the playing field for all contestants in an Election. As it applies to broadcasters, it mandates that they make provisions for coverage of all issues of public importance from all perspectives. It involves "free time" allocated to the presentation of opposing views and the responsibility to initiate programming on these issues.</p>			
<p>THE POWER OF INCUMBENCY IN AN ELECTION CAMPAIGN</p>	<p>All Government sponsored Advertising during an Election period should be restricted to information related to the provision of governmental services ONLY and should not include any reference to the Government minister(s) or any other information of a partisan nature, or any advertising w.r.t. the opening of new facilities or services.</p>	<p>Whilst governmental expenditure in the last election has not been quantified, there is enough evidence to suggest that it was grossly excessive. The Advertising Agencies Association recorded numerous instances where ads were placed to advertise Government's performance thus creating an unfair advantage for the incumbent.</p>	<p>Ref: Code of Conduct- Section B Code of Conduct Art. 15: Not permit the use and abuse of State resources for Political campaigns.</p>	<p>A prime example was the opening of the TEST centre in Chaguanas with a corresponding advertisement placed by the Government.</p>
<p>LAME DUCK PERIOD</p>	<p>During an Election campaign, the Government should be required to observe the lame duck period in Advertising - with respect to the advertising of new facilities and STATE RESOURCES which impact on the electorate.</p>	<p>Over the years, the paving of roads has been used as an election ploy. This is against the Code of Conduct and all advertising relating to such prohibited conduct should be barred.</p>	<p>Ref: The PL/PNM himself referred to this when he objected to the appointment of the Head of the Public Service.</p>	<p>Ref #2: House for votes scam and ads placed at weekly intervals showing the distribution of Houses.</p>

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PRESS CONFERENCING AS ELECTIONEERING	Electioneering under the guise of press conferencing and the broadcast of such should be regulated.	Lame duck period should be limited to the period between the announcement of the Election campaign and the swearing in of the new Prime Minister.	Ref: Israel has identified this as a Best Practice and does not allow incumbent ministers and candidates to use the TV or radio to make political statements in the guise of a press conference.	
ADVERTISING PLACEMENT	Best Practices dictates that Party ads be kept separate and apart from pages on which Governmental ads appear. In other words, there should be no juxtaposition of Government ads on the same page or opposite pages with a political ad particularly when that ad is for the incumbent Party.	Note that Best Practices relate only to the use of state funds to proclaim the Government's achievements during an Election campaign. It is not the intention to place a moratorium on all governmental advertising as is done in some jurisdictions.	Ref: AAATT experience	Section B Art.18: Not issue advertisements or other marketing material the cost of which is borne out of public funds; Art. 2: Integrity - Not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.
PARTY SLOGANS	Government advertising must not mention the Party in Government by name or include Political Party slogans or images.		Ref: AAATT experience	Fire Services logo bore a distinct similarity to the UNC rising sun which they subsequently took down after a public outcry.

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PARTISAN TEXT	Ad content should be non-partisan and its language should reflect this principle of fairness.	Recent breaches of this Best Practices serve to blur the distinction between Government and Party while using tax payer dollars in support of a political agenda. This provision, seeks to assert the principle of fairness in that it seeks to negate the power of incumbency.	Ref: AAATT Experience	Recent experience (2010) supports the fact that certain State/Government advertisements (a) Were clearly written on behalf of one Political Party and (b) contravened various codes of the Trinidad and Tobago Bureau of Standards (TTBS) Requirements for Advertising 1999 including purporting to be testimonials when the text was clearly drafted and structured by a single
PHOTOGRAPHY	Best Practices expressly prohibits the use of imagery and information secured via Governmental agencies. As well as ads portraying a candidates or a member of the governments face.	This issue of 'shared imagery' should not be underrated as it serves to further blur the lines between Government/State and Party advertising. It also contravenes the Best Practices which prohibits the use of state funds for electioneering purposes.	Ref: AAATT experience	In the last election, instructions were given to use GISL images for a Party advertisement. Similar content as well as common/shared imagery, in the case of the print media, blur the lines between Government and Party.
PROHIBITED AD CONTENT	<p>All Advertising related to prohibited content is prohibited by the state run media but does not extend to the private media.</p> <p>The opening of new facilities and projects.</p> <p>The award of state resources which could have the effect of unduly influencing the voter.</p> <p>The use of Government ads portraying a candidate's or a member of the Government's face.</p>	This ban limits collusion but does not seek to constrain freedom of the press and their reporting on government activities.	Ref: Israel and the code of conduct	<p>Item # 13 in the Code of Conduct. Section on Prohibited Conduct.</p> <p>Item # 1 in the Code of Conduct. Section on prohibited conduct.</p>

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INCITING HATRED AND VIOLENCE	Political advertising should not incite hatred and violence against any group of people.	Most political analysts have identified race as a determining factor in electoral politics. In recognition of the plurality which exists in T&T, political advertisements should reflect diversity and not engender racial, religious, class or gender discrimination.	Ref: Canada "Anti - Hate " laws. Ref: Code of Conduct.	Calcutta Ship remark by Hilton Sandy. An example of which would have been an ad depicting a ship with "Indians disembarking in Tobago"
FEAR -MONGERING	Fear-mongering and advertising which seeks to exploit superstitions should be prohibited in Political ads and broadcasts.	This is counterintuitive to an issues based election. In previous elections we have observed many references to lagahoos.	Code of Conduct	References to lagahoo
CONFORMING TO THE TTBS CODE	Political advertising should be subject to all conditions in the Bureau of Standards' Guidelines which do not impinge on the freedom of speech.	The question remains as to whether you can limit freedom of speech as you would exercise limits over a commercial ad to protect the consumer.	Sec #4 TTBS Code	NB: There are parts which are not relevant to these Guidelines.
USE OF COAT OF ARMS	Expressly prohibited is the use of the Coat of Arms or any other national symbols in any Political advertisement.	Juxtaposition of the Coat of Arms with a Party's political ad is confusing and is calculated to blur the lines between Party and State.	Ref: AAATT Experience	Letter sent to Emblem Committee Re: PNM Ads.
PERMISSIBLE CONTENT IN AN ELECTION PERIOD	Given that there will always be a need for Government to communicate with citizens even through an election period, the following advertisements are permissible: State utility companies, State utility notices, Policy adjustments and every ad should reflect ethnic diversity. The Integrity in Public Life Act 2000 commands any person in public life administering public resources to (a) be fair and impartial in exercising his public duty, and (b) afford no undue preferential treatment to any group or individual. The Code of Not use funds derived from any source, public or private, to improperly influence electoral choices seeks to make the distinction between the agendas of Government and Party.			
GOVERNMENT WORK PROGRAMMES	Advertising should be relevant to the work of Government and the disclosure of responsibilities in general.		Ref: Australia and New Zealand	

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POLICY ADJUSTMENTS	Cabinet decisions which impact the public with respect to new or existing policies, or adjustments to policy.		Ref: Australia and New Zealand	
NON-PARTISAN	Campaign should not promote a Party interest and as such language should be presented in a non-partisan way.		Ref: Australia and New Zealand	
TRUTH AND FACTUAL CONTENT	Campaigns should be accurate in their information and should not attempt to mislead the public with respect to factual data and opinion.		Ref: Australia and New Zealand	
CLARITY OF CAMPAIGN OBJECTIVES	Campaign materials should be presented in an objective, fair and accessible manner and be designed to meet the objectives of the campaign.		Ref: Australia and New Zealand	
CULTURAL DIVERSITY	All campaigns should reflect the diversity in Trinidad and Tobago.		Ref: Australia and New Zealand	
FEEDBACK AS AN EVALUATION TOOL	Campaign materials should be tested with target audiences to indicate they are engaging and perform well against the objectives of the campaign.		Ref: Australia and New Zealand	
EFFICIENT AND EFFECTIVE	Campaigns should be justified and conducted with the utmost efficiency and effectiveness.		Ref: Australia and New Zealand	
BEST PROCUREMENT PRACTICE	Campaigns should comply with all best procurement practices.		Ref: Australia and New Zealand	

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TRUTH AND CONTENT	The importance of truth is central to the conduct of a free and fair election. Best Practices should give consideration to legislating or establishing by convention Truth in Advertising. The alarming increase in negative attack ads that have no bearing on the policy positions of the Party and the rise in defamation suits during an election period indicates the need for regulation.			
FACT CHECKING	To falsely manipulate public opinion by the publication or broadcast of misleading statements or opinion purporting to be factual should be prohibited. Fact checking as an Election protocol and practice should be established.	The argument that freedom of speech must be protected at all costs is a 'denial of essential elements of democracy'. Arguments that the Electorate would 'reward or punish Political Parties for the truth or falsity of their advertising' are to be viewed as similar to assertions that consumers would judge the truthfulness about product ads which contain incorrect information.	Ref: Australian Electoral Law.	Legislation was introduced by way of a Bill to amend the Electoral Act which prohibits any electoral advertisement containing a purported statement of fact that is "inaccurate or misleading to a material extent". The Charter of Political Honesty Bill required political advertising to meet similar standards of probity and honesty that commercial advertising must meet under the
FALSE INFORMATION	Best Practices should prohibit the use of false statements in relation to the personal character or conduct of a candidate.	This should encourage some restraint, unless there is evidence to support the same. As to whether this is registrable is in question because it impinges on your right to freedom of speech.	Ref: Canada Elections Act.	Ref: Canada Elections Act 2000. No person shall, with the intention of affecting the results of an Election, knowingly make or publish any false statement of fact in relation to the personal character or conduct of a candidate or prospective candidate.
ATTACK ADS	Must not be used to attack the views of the opposition Parties or groups.		Ref: Australia	

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<p>CHARACTER ASSASSINATION, DEFAMATION LAWS AND THE ADJUDICATION PROCESS</p>	<p>As a general rule political advertising should be issues based and not resort to character assassination. Reliance on defamation law and adjudication by the courts does not deal with the defamation in a timely manner. Once a libel action is filed the ad should be pulled pending its TIMELY adjudication.</p>	<p>Canada’s regulations on political advertising explicitly prohibit the use of false or misleading information delivered with the intention of affecting the Election result. Part 6. 350 (1) makes it an offence to make or publish any false and defamatory statement in relation to the personal character or conduct of a candidate, where that statement is proven not to be true. Australian Act.</p>	<p>Code of Conduct - Ref: Australia, T&T Ref: Amphibian Ad on Kublalsingh</p>	<p>References to personality traits and metaphors used to describe candidates are expressly prohibited in the Code of Conduct. Section B. Art 17. Not criticizing aspects of the private life of candidates not connected with the public activities of the leaders or candidates of other parties. Australian Debate and back ground paper.</p>
<p>FALSE CLAIMS</p>	<p>Best Practices should require proof of statement particularly as it relates to scientific knowledge and false claims.</p>	<p>Legislation regulating such advertising has been introduced because it was accepted that citizens often had insufficient information to be able to ascertain the truthfulness of product advertising for themselves. This is similar with respect to advertising in an Election period with even graver consequences, such as we are advocating a mix of regulated and advocated practices.</p>	<p>Ref : Political Advertising in Australia</p>	<p>Macklin argued that voters were also excluded from full information and that the Australian Electoral Commission should therefore be responsible for monitoring the veracity of political advertising claims. He claimed that repealing s. 329(2) gave parliament ‘a license to lie’, which ‘cannot enhance the democratic process in any way’.</p>
<p>LEGISLATING FOR TRUTH</p>	<p>Best Practices in the adjudication process should take into consideration, the definition of truth, a timely adjudicating process.</p>	<p>Parliaments in the United Kingdom, Canada and New Zealand have all shied from legislating standards of truth in political advertising; which cited difficulties of definition, effectiveness and rapid adjudication.</p>	<p>Ref: Political ad in Australia.</p>	<p>The examination of advertising regulations distinguishes three kinds of regulations: those providing free or subsidised advertising for candidates or parties, those controlling or banning advertising activities, and those defining the campaign period to which advertising rules apply. The discussion on controls over advertisements is limited to rules concerning paid political advertisements and the display of posters.</p>

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TESTIMONIALS	Testimonials should conform to the TTBS Code which has a clearly defined section on testimonial political advertising.	Testimonials often reflect opinion which when delivered by personalities are given more weight by the Electorate. In ads like these It should be clearly stated that they are the opinion of the messenger and endorsed by the Political Party or candidate.	Ref: AAATT experience	
COPY CLEARANCE AS A MEANS OF CONTROL	Repeat offenders should require copy clearance in the event of repeated violations of the regulations. All advertising should be submitted prior to its publication to the relevant body/authority.	This practice can be applied as a sanction as well as a proactive approach; as a word of caution however, the clearance procedure should have a limited time frame for review.	Ref: AAATT experience	UK Laws relating to Broadcasting BCAP Radio ad Code. Australian debate and back and forth on this issue went from a total ban to three day ban.
EQUITY	All Best Practices should seek to ensure that all Political Parties and their candidates are treated equitably and fairly. The practices in this segment centre around choice of media/channel selection, pricing, time, duration and scheduling of advertising.			
USE OF STATE MEDIA CHANNEL	All Political Parties should be guaranteed equal rights to use the State media channel. The cost of which should be borne by the State.	Programming time is normally allocated to the Government on the GISL network (both radio and television). This provision establishes a base rate at which all Political Parties may enjoy a minimum interaction and would also facilitate new entrants to the political process.	Ref: Canada Elections Act	
COMMERCIAL MEDIA	All parties should have equal access to non-governmental commercial stations on a limited basis. Limits that apply relate to quantum and duration as defined by the Trinidad and Tobago Publisher's and Broadcasters Association.	Access to commercial media channels is generally of greater value as a political communications medium. The question which needs to be answered relate to the quantum and duration of the poli-spots and the allocation of these spots.	Ref: All jurisdictions	

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FREE TIME	Consideration of free broadcast placements for candidates and Parties on all commercial electronic media in addition to broadcast time allocated on the State media.	Guarantees that all parties and even new entrants have equal access to both print and electronic media.	Ref: All jurisdictions	
FREE SPACE	The State allocation, mandated under the Telecommunications Act, should be used to facilitate political Election advertising. "Free Space" in the commercial print media for all parties.	Establishes a base line position for all Election contestants. Thereafter the time and space should be allocated proportionally. Consideration could be given to utilizing the governmental (GISL) allocation.	Ref: Israel Knesset Law limits size, colour and frequency of print advertising	
PUBLIC FUNDING vs PRIVATE FUNDING	In some countries, in order to achieve totally equity, all broadcast advertising during an Election is publicly funded. In other countries, a ratio of public and private funding is established. Most Best Practices place a cap on time allocation and cost of communications campaign for each Party. In some countries, each contesting Party is permitted only a launch and closing lengthy broadcast, that is, beyond the usual 30-second ad. This measure presumes that both the time and duration of the ad will be allocated equitably.	Unlimited and unregulated advertising leads to an over dependence on financial contributors/investors and a client based political system. This measure also presumes regulations to support this action in legislation for the financing of campaigns.	Ref: All jurisdictions	

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PAID FOR TIME	Political Parties and their candidates should be allowed to purchase time, in addition to time allocated on the state media channel. Providing that this time is provided to all Political Parties subject to expenditure caps, duration limits and quantum.	This practice seeks to provide a balance. In countries where Political broadcasts were constrained to the PBS networks, the Party messages were not as effectively dispatched. However, spots on commercial stations were limited in terms of time and duration.	NB: You may want to give way on this practice in favour of the mediated network sponsored debate and public information spots.	
PROPORTIONAL ALLOCATION VERSUS PROSCRIBED ALLOCATION	Time should be allocated on a proportional basis using a variety of mechanisms, votes cast, parliamentary seats and number of candidates. Time can also be allocated on an equal basis.	The practice of proportional allocation is based on the supposition that winning Political Parties, having earned their seat at the table, are deserving of more time than one who has not. However, the criteria applicable to new entrants, that they field a full slate of candidates, is a way to introduce a new entrant into the mix. Proportional allocation is a complex formula and does not address equity in the strictest sense.	Ref: Australia research brief No.5 2004-5	
POLITICAL ADVERTISING LIMITS	Best Practices should seek to limit the total amount of time allocated to broadcast spots.	The rationale for regulation in this instance is based on the premise that voters should not be held hostage to political programming in an Election campaign. It attempts to break the virtual monopolization of the airwaves by Political Parties.	Ref: Germany	
BROADCASTER SPONSORED DEBATES	All Broadcasters should be mandated in law to provide information on political matters and are required to arrange regular programming, in which all Political Parties and candidates can participate.	Broadcasters should be allowed to sell advertising to cover the costs. Most debates and town halls in the US Presidential elections are sponsored by media networks. Consistent with the Fairness Doctrine.	Ref: German Regulations	

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
FAIR TRADE PRACTICES	Fair-trading Practices with respect to the production and broadcast of all political advertising should be observed by all media practitioners and should relate to the cost of production.	In all regulated jurisdictions which allow paid for advertising, rates are set at the regular commercial rate. This practice is based on the principle that all communications' practitioners bear a responsibility to grow the democracy by providing the platform for public education and information.	Ref: Spain	

TRANSPARENCY	Best Practices with respect to advertising in a political campaign must conform to the highest standards of transparency.
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FULL DISCLOSURE	All Political advertising must conform to full disclosure principles and must identify the name of the candidate/person, organization and contact person responsible and a message from that organization that it has authorized the advertisement.	Anonymous advertising is an anathema to transparency and accountability. The Ad must have name and address of the printer of the document, the name and address of the promoter of the material, and the name and address of any person on behalf of whom the material is being published.	Ref: TTBS Code All jurisdictions	Inadequate Identification of Advertiser: Political advertising continues to appear in/on the media without proper identification of the advertiser in contravention of relevant codes of the TTBS Requirements for Advertising 1999 and agreed Standards of Practice of the AAATT and the TTPBA. Given the significance of this, a clause has been included in the updated version of the TTBS Requirements for Advertising which is with their Board for final approval ("PPCTTS Advertising Part I 20140220[2]"). This is a chronic issue.
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LEADER/ CANDIDATE PICTURE AND LOGO	Ads should include the Party logo and be endorsed by the Party leader or candidate accompanied by the leader/candidate's picture.	Research has shown that the publication of the candidate/leader's photo intimately associates the candidate with the position espoused, and is a deterrent to the broadcast of ads which do not comply with ethical standards.	Sage handbook. US Elections	
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DISAVOWALS	When in breach, Candidates and their Parties should issue a retraction of the advertisement.	This practice not only raises the bar on accountability but also reaffirms the ethical standards expected from politicians.	Transparency in the conduct of the campaign	Canada Elections Act seeks to deal with this aspect.
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POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
ACCOUNTABILITY	Best Practices in political advertising should conform to the highest standard of accountability. In countries where campaigns are wholly or partially publicly funded, accountability is legislated.			
ADVERTISING AS A COST OF CAMPAIGN FINANCE	Best Practices should include advertising cost as a portion of the overall cost for an Election campaign.	Advertising should be tied to and included in the context of the financing of Election campaigns whether state funded or Party funded.	Ref: Germany	The third section explores the cost of campaign advertising and the relationship between campaign costs and the election funding scheme that has been in place since 1984.
TRANSPARENCY IN FUNDING	All Political Parties and candidates should be made to declare their source of funds (SoF) in accordance with FIU regulations and Central Bank guidelines. All SoF need to be submitted to EBC and FIU as required by law.	Undocumented contributions via Ad Agencies is a distinct possibility. This provision seeks to close one more loophole with respect to the campaign finance.	Ref: AAATT experience	All ads that relate to the prohibited conduct should be banned
ACCOUNTABILITY AND REPORTING	All media practitioners should be required to file an election advertising report within three months after election day and the ad costs need need to be determined as a proportion of the total campaign expenses.	The filing of reports is necessary to cross check the finance reports of political parties.	Canadian law allows for a period of four months after the conclusion of the election.	The third section explores the cost of campaign advertising and the relationship between campaign costs and the election funding scheme that has been in place since 1984.

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
<p>KNOW YOUR DONORS AND SOURCE OF FUNDS REPORTING</p>	<p>All media practitioners should be required to provide a source of funds disclosure as a part of the reporting process on: the amount of expenditure, by whom it was placed and the Party or organization responsible for the placement. This report must be submitted to the monitoring agency or election oversight committee.</p>	<p>The multiplicity of reporting derived from a cross section of suppliers, parties and agencies will only increase transparency and cross referencing of data. This provision seeks to prevent the potential for laundering of money from illegal activities and needs to be acknowledged.</p>	<p>Ref: All jurisdictions</p>	
<p>USE OF STATE FUNDS</p>	<p>Expressly prohibited is the use of State Funds in accordance with the Code of Prohibited Conduct.</p>	<p>This practice gives an unfair advantage to the incumbent which has been used extensively in campaigning.</p>	<p>To insure a level playing field.</p>	<p>Gifting of houses by Ministers, grants, opening of facilities and infrastructure etc.</p>
<p>GOODS AND SERVICES IN KIND</p>	<p>All goods and services related to the production and broadcast of Political advertising that are rendered "in kind" from all media practitioners and their suppliers should be recorded as such; and should be quantified as an election expense and reported.</p>	<p>This practice will preserve the integrity of the media practitioners and seeks to de-politicise the process. This practice will go a long way to ensure that all Political Parties and their candidates receive equal treatment.</p>	<p>Ref: AAATT Experience</p>	
<p>CROSS CONTAMINATION OF FUND SOURCING</p>	<p>Media practitioners must not be involved in the raising of money by way of contributions to offset the expenses for campaign advertising. This is the sole prerogative and responsibility of the Political Party or Political Action Committee (PAC).</p>	<p>The practice whereby corporate clients may lend their corporate account to Political Parties is to be discouraged because it is a way to circumvent campaign finance laws.</p>	<p>Ref: AAATT Experience</p>	

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
FOREIGN CONTRIBUTIONS	Foreign Contributions are not allowed in political campaigns from persons who are not citizens or permanent residents, a corporation or other legal entity (trade unions) that does not carry on business, or a foreign government and Political Party.	Foreign contributions from non-nationals (not the same as dual citizens or nationals living abroad) should be expressly prohibited. It is based on the premise that people or entities external to the country should not be allowed to participate in an election because they do not have the country's best interests at heart and are not accorded the same rights as citizens. There are examples of FIFA and multi-national conglomerates participating in Elections in the Third World and affecting the outcome.	Ref: Canada	
ADVERTISING REPORTING	All Political Parties and candidates are required to comply with the strictest accounting practices and submit to the Monitoring agency a report of advertising expenses and source of funds.	Note that this measure presumes that all Political Parties become registered entities and are subject to rules and regulations governing their conduct. The Up model is very pertinent.	http://www.legislation.gov.uk/ukpga/2000/41	
VOTER CONTACT PROGRAMMES	All Best Practices refer to those agencies which provide voter contact services for electioneering purposes. They shall be required, by law, to keep all records and scripts pertaining to the conduct of the programme for a period of three years.	Voter contact services are still in their infancy and whilst they were used with some success, there should adhere to specified standards in order to prevent abuse.	Ref: Canada	Call Centre Programmes; mass texts via SMS
DESIGNATED PUBLIC AREAS FOR OUTDOOR ADVERTISING	There should be specifically designated areas for posters and billboards consistent with the Best Practices proscribed for advertising in this medium.	The Bureau of Standards policy on advertising needs to regulate this activity. The proliferation of billboard activity is a major deterrent to the tourism and to the citizen's enjoyment of the environment.	Ref: Spain	

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
ELECTION ADVERTISING EXPENSES	Best Practices dictates that all ads that run from the time the Election is announced are considered to be part of that expense related to the Election campaign.	For purposes of accounting, if an advertisement is transmitted during an Election period, it shall be considered an Election advertising expense, regardless of when it was incurred.	Ref: Canada	
CURBING QUANTUM OF ADS	Best Practices sets a cap on the amount of advertising which is allowed in an Election period and should be fixed. Within that ambit, time is assigned to each Political Player on a proportional basis.	This practice levels the playing field for those candidates who do not have access to the same amount of funds. If Campaign finance reform goes the way of a publicly funded Election campaign, this would be a redundant exercise. Another equally important rationale is related to the invasiveness of Political advertising and the rights of citizens to have their privacy protected.	Ref: Canada and Germany have tried to regulate the amount of time which should be allocated to broadcasting in particular.	Legislation to prevent excessive spending by electoral candidates in the United Kingdom has been in place since 1883. The UK's system of regulating campaign financing focuses on limiting the expenditure of Political Parties and individual candidates, rather than limits on donations that can be received by these Parties and individuals, combined with a transparent reporting system of donations received and election expenditure incurred.
BUYING THE ADVANTAGE CURBING EXPENDITURE	Outside of fixed election dates or a period, the practice of buying an advantage cannot be easily prevented. Spending limits generally apply for expenses that are incurred from the point that Parliament is dissolved. If, however, there are items or services purchased prior to the election campaign, this must become part of the election advertising expense. Some jurisdictions have extended the reporting period to one year prior to the election being called.	Curbing spending limits is a practice designed to eradicate the tendency to buy an advantage. The law as it is currently formulated, is a cause for some considerable concern because of the many recorded instances where significant amounts of money have been spent by potential candidates and parties prior to the dissolution of Parliament. This makes accountability and transparency difficult to enforce. Additionally, outside of a fixed election date or period, the power of incumbency gives the sitting Party in government an unfair advantage known as buying an advantage.	Ref:United Kingdom and Germany have instituted spending limits in an attempt to curb the obscene expenditure. This does not extend to limiting the amount of money which can be raised.	Ref: AAATT experience - airtime being bought in advance.

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
THIRD PARTY OR PAC (POLITICAL ACTION COMMITTEE) ADVERTISING	Best Practices should engender the greatest involvement of citizen and advocacy groups in the Electoral process and seek to facilitate this process of informing the Electorate on issues. Whilst we need to observe the right of all citizens to associate and organize themselves with respect to representing a sectoral or parochial interest we must be mindful of the need to regulate against big money super PACs exerting undue influence on the political process.			
PAC AUTHORIZATION AND REGISTRATION	All third Party or PAC must be registered as a civil society/NGO group with the Elections Advertising Monitoring body.	In keeping with the widest possible participation by the citizenry and to also contribute to the debate, PACs should be allowed to advertise. As such, they should receive the same treatment given to political parties with respect to their rights to advertise and lobby for their PAC objectives. Registration of PACs is important so that we can determine its authenticity.	Ref: Canada	
PAC THIRD PARTY MONITORING AND AUDITING	Effective monitoring of PAC and third party advertising must be subject to the control of the monitoring body.	PACs need to be monitored to ensure that collusion with the Political Party or candidate does not occur.	Ref: Canada	
PAC SPENDING LIMITS	Best Practices should limit or fix the amount of money that Third Party or PACs spend on advertising in an Election in support of a candidate or a Party. This amount should be fixed at the rate allowing for civil society NGOs to perform a political education function.	The anticipated rise of PACs as a means of subverting the campaign finance regulations. Experience has shown that the minute you seek to reform this function, new ways of subverting these rules will emerge. At this point in time, Political Parties are assuming this cost on behalf of their candidates subverting the cost ceilings for candidates.	Ref: Canada	http://laws-lois.justice.gc.ca/eng/acts/E-2.01/page-41.html#h-115
CODE OF CONDUCT	Third Party Ads should be subject to the same code of conduct applicable to all Political Parties and Candidates.	Best Practices prohibits that Third Party or surrogate advertising not be used to circumvent the restrictions imposed on Candidate's Parties.		

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
PAC-Party COLLUSION	Collusion between the PAC and Party is prohibited.	This is to prevent dominance and undue influence.	Ref: Canada	
PAC RESOLUTIONS	Advertising by Third Parties must be ratified by a resolution of the governing body authorising it to incur Election advertising expenses.	This is to ensure that the PAC remains true to its objectives and principles and are not subverted to a Political Party's ends.	Ref: Canada	
PAC FINANCIAL AGENTS	PAC Ads should be subject to financial scrutiny of an auditor, who is responsible for the scrutiny of every contribution made to the PAC which has constituted an election expense.	This provision seeks to ensure financial propriety and legal and ethical compliance when PAC objectives are followed. Certain requirements apply to the auditors, the primary one is which there has been a clear line of demarcation between the PAC and the Political Party or its candidates.	Ref: Canada	
REGULATION	Enforcing the regulations in the public interest, having regard to the multiplicity of principles which need to be nurtured and Best Practices which need to be managed, is of utmost important to the growth of an ethical society governed by the highest democratic principles.			
MONITORING	Best Practices recommend arbitrator(s) or independent(s) whose role will be to restore and grow confidence in the democratic and Electoral process.	The role of an independent monitoring council vs a government controlled one is the preferred practice; however, the involvement of media practitioners through the Advertising Agencies Association should be mandatory.	Ref: Canada	http://laws-lois.justice.gc.ca/eng/acts/E-2.01/page-36.html#docCont
		There are two schools of thought as to where the arbitrator/agency sits, whether as an independent agency or as part of the Elections and Boundaries Commission.	Ref: Canada	

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
SPOT ALLOCATION	The independent arbitrator should be responsible for managing this allocation of all free placement and mediate any issues of contention.	The mediation process role will also encourage the spirit of co-operation with respect to all Electoral matters. The role of the council responsible for political behaviour should also be considered for inclusion into this framework.	Ref: Canada	
MONITORING OF ADVERTISEMENTS	All political ads should be monitored for breaches of the regulations by the Agency responsible for political advertising.	Monitoring is used in Britain as a sanction but other jurisdictions have tried monitoring as a normal course of action. Political ads need to be submitted as a matter of course to whatever governing body in the event of a dispute.	UK AD Code	Radio Central Copy Clearance - Radio broadcasters must seek central clearance for advertisements that might fall under this section on the grounds of either the advertiser's objectives or the content of the advertisement.
TIMELY ADJUDICATION	All citizens/Political Parties should have the right to complain and their complaints should be investigated in an expeditious manner.	New Zealand gives 48 hrs for resolution by utilizing a Broadcaster and then Broadcasting Standards Authority.	Ref :New Zealand Broadcasting Act specifically recognizes the need for speed and has mandated as such a 48 hr turn around for resolution.	
COMPLAINT RESOLUTION	All complaints should be referred to the monitoring/independent Arbitrator for resolution. All complaints should be published.	Forces Political Parties to conform to the proscribed behaviour in code.	Ref: Canada	
TO WHOM DOES THIS CODE APPLY	All media practitioners and should also apply to Political Parties and their agents who go directly to the media to place their ads.		Ref: Canada	

POLITICAL PARTY ADVERTISING AND PROMOTION GUIDELINES IN AN ELECTION PERIOD - BEST PRACTICES

CATEGORY	BEST PRACTICE	CONTEXT AND RATIONALE	REFERENCE	EXAMPLES
SANCTIONS	Sanctions should be devised which is relevant to each member of the chain of communication which occurs during an Election period.			
WITHDRAWAL OF TRADING	Withdrawal of trading privileges	Withdrawal of trading privileges - Members can revoke, withdraw or temporarily withhold recognition and trading privileges.	Ref: UK	
WITHHOLDING SERVICES	Access to advertising space can be denied to those found in breach of the regulations.	Withholding access to advertising space is a punitive measure which, if used, should bring about immediate compliance.	Ref: UK	
PRE-VETTING	In the case of repeat offenders there should be pre-vetting of ads for all offenders for up to two years.	Pre-vetting - Persistent or serious offenders can be required to have their marketing material vetted before publication. Pre-vetting can last for two years.	Ref: UK	
TRADING STANDARDS ENFORCEMENT	There should be an established protocol for the enforcement of standards which can be escalated to a higher adjudication body if necessary.	This protocol presumes that recourse to the courts is the ultimate right of any citizen or body.	Ref: UK	
DIS-QUALIFICATIONS	Agencies who persistently disregard the regulations would be disqualified from receiving industry awards and should be named as such.		Ref: UK	

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