

## Note to Broadcasters

### Election programming

On 7 May 2020, local (and mayoral<sup>1</sup>) elections will be taking place in some parts of England, as well as London Assembly and London mayoral elections and Police and Crime Commissioner elections in England and Wales.

Ofcom reminds all broadcasters that they must comply with the rules for election-related programming – in particular, [Section Five](#) (Due Impartiality)<sup>2</sup> and [Section Six](#) (Elections and Referendums)<sup>3</sup> 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 removal<sup>4</sup> of the concept of larger parties from our rules and to help broadcasters to take editorial decisions during election campaigns, we have published a [digest of past electoral and current support](#) ahead of elections taking place on 7 May 2020. The digest 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).

The rules in Section Six of the Code will apply when the ‘election period’ commences. For the London Assembly and London mayoral elections being contested on 7 May 2020, the election period begins on Monday 23 March 2020. For the English local (and mayoral) elections and Police and Crime Commissioner elections for England and Wales being contested on 7 May 2020, the election period begins on Tuesday 31 March 2020.

If a complaint raises a substantive due impartiality issue during the election period which Ofcom considers might require redress before the election, it will be considered by Ofcom’s Election Committee<sup>5</sup>. In these cases, it will be necessary for Ofcom to act quickly to determine the outcome in

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<sup>1</sup> In Bristol, Greater Manchester, Liverpool, Liverpool City Region, Salford, Tees Valley and West Midlands.

<sup>2</sup> See also Ofcom’s [published Guidance to Section Five](#).

<sup>3</sup> See also Ofcom’s [published Guidance to Section Six](#).

<sup>4</sup> On 22 March 2017, Ofcom published its [Statement amending its rules](#) in the areas of due impartiality, due accuracy, elections and referendums. 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.

<sup>5</sup> See Ofcom Election Committee’s [Terms of Reference](#).

a proportionate and transparent manner before the election, and broadcasters should be prepared to engage with Ofcom on short timescales.

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.

For further information about this General Election, broadcasters should visit the Electoral Commission website at [www.electoralcommission.org.uk](http://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](mailto:OfcomStandardsTeam@ofcom.org.uk)).