

Note to Broadcasters

Election programming

On 4 May 2023 there will be local (and mayoral¹) elections taking place in some parts of England. On 18 May 2023 there will be local elections taking place in Northern Ireland.

Ofcom reminds all broadcasters that they must comply with the rules for election-related programming – in particular [Section Five](#) (Due Impartiality)² and [Section Six](#) (Elections and Referendums)³ of the Broadcasting Code (“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 we have published an [annual digest of past electoral and current support](#). 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 Ofcom defines the ‘election period(s)’ to have commenced. These periods will commence on different dates depending on the election being contested.

We have taken account of all relevant information and discussed this matter with the specialist elections regulator – the Electoral Commission – with which Ofcom is under a statutory duty⁴ to consult when setting rules in the area of elections. For the purposes of the May 2023 elections Ofcom has determined that the start of the election periods will be:

- 27 March 2023, in the case of local (and mayoral) elections in England; and
- 11 April 2023, in the case of local elections in Northern Ireland.

In each case, the election period ends with the close of the poll.

If a complaint raises a substantive due impartiality issue during the election periods which Ofcom considers might require redress before the election, it will be considered by Ofcom’s Election

¹ This includes four local authority mayoral elections in: Bedford; Leicester; Mansfield; and Middlesbrough.

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

³ See also Ofcom published [Guidance to Section Six](#).

⁴ See section 93 of the Representation of the People Act (as amended).

Committee⁵. 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.

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 the forthcoming elections in May 2023, 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).

⁵ See Ofcom's Election Committee's [Terms of Reference](#).