



---

**GUIDELINES ON GOVERNMENT COMMUNICATION  
DURING THE NATIONAL AND PROVINCIAL ELECTION PERIOD  
2019**

---

**Purpose:**

- To guide government communicators on their conduct during an election period - 2019.

**1. BACKGROUND**

- 1.1. Chapter 3 of the Electoral Act, No. 73 of 1998 - Proclamation of elections of National Assembly. - (1) Whenever the President or Acting President calls an election of the National Assembly the proclamation concerned must set a single day and date for voting.
- 1.2. On Tuesday, 26 February 2019 President Cyril Ramaphosa signed a proclamation setting 8 May 2019 as the date for the National Assembly elections in the country.
- 1.3. The Proclamation, setting 8 May 2019 as the date of the National Assembly elections, was published in the Government Gazette on 26 February 2019.
- 1.4. According to Section 24(1) of the Electoral Act, 1998, the voters' roll will close on the day the election is proclaimed, which was 26 February 2019.
- 1.5. President Ramaphosa has also declared 8 May 2019 as a public holiday.
- 1.6. The Premiers of the Provinces are duly expected to issue proclamations calling and setting the 08<sup>th</sup> of May 2019 as the date for the Provincial Legislature elections in their respective Provinces.

**2. INTRODUCTION**

- 2.1. It is normal practice in most democracies that during an election period, particular attention is paid to ensuring that government communication does

not advantage or disadvantage any political party or individual who is a candidate in the elections contest.

- 2.2. The guidelines remain relevant and are meant to assist government communicators and other relevant public servants in determining the specific parameters within which they should conduct their work in the election period.
- 2.3. An election period is a time of robust debate and political contest and a heightened political environment which has its own challenges.
- 2.4. On 31 March 1999, the South African Cabinet agreed that a framework should be formulated to regulate the dissemination of government information during election periods. The guidelines were adopted during the local government elections of 2000 and the national and provincial elections of 2004.
- 2.5. The guidelines have been decided upon at the initiative of Government. The IEC may, independently take whatever relevant steps it deems necessary on this matter.

### **3. SCOPE OF APPLICATION**

- 3.1. These guidelines apply to all government communication structures and other related public servants/officials including contract employees.
- 3.2. In so far as Ministers and other political representatives, contractual workers and employees in role-playing posts are concerned, the parameters of their political work in government are regulated by the Ministerial Handbook and they are not the subject of these Guidelines.

### **4. AN ELECTION PERIOD**

- 4.1. According to the IEC, an election period is the period during which the IEC's Code of Conduct and Independent Broadcasting Authority (IBA) regulations apply.
- 4.2. In the current election, this period starts immediately after the proclamation of the election date by the President.
- 4.3. The election period therefore started on the 26 February 2019 with the proclamation by the President and will end when election results are announced and certified.

## **5. LEGISLATIVE & CONSTITUTIONAL RIGHTS AND OBLIGATIONS**

- 5.1. During an election period, the prescripts in the Constitution of the Republic of South Africa, 1996, read with the Act and the Regulations, apply to all employees.
- 5.2. Furthermore, the Public Service Act, 1994 (Act 103 of 1994), as amended in 2007, provides government communicators and other relevant public servants with specific parameters within which they should conduct their work during an election period.
- 5.3. During an election period, these and other provisions of the Act continue to apply to all public servants as such government communicators have to exercise special care to ensure that their media products, statements and public events for which they are responsible, do not promote or prejudice any political party or persons standing as candidates.

## **6. THE WORK OF GOVERNMENT CONTINUES**

**6.1** Ministers have full authority to exercise their ministerial responsibilities right up until the day of the election. Government is still in office during the election campaign and remain responsible for the activities of the state.

**6.2** Government communication messages during an election period should:

- Be relevant to Government responsibilities;
- Be objective and explanatory;
- Not be, and not be liable to misrepresentation as being, party political;
- Be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds.

**6.3** Government communicators and their departments should continue meeting the obligation of government to provide information to the people. They should continue exercising their responsibility to articulate, promote and defend the policies, programmes and actions of government.

- During an election period, even after the dissolution of parliament, the business of government must continue and "ordinary matters of administration" must be addressed. Hence the provisions allow for the normal operations of all government departments.
- Government Communications should continue meeting the obligation of Government to provide information to the citizenry.
- Government Communications should continue exercising their responsibility to promote and defend the policies, programmes and actions of the government, guided by these guidelines.

### **6.4 Public Consultations**

- Public consultations with a particular emphasis on key government programmes of action can continue to be launched during this period.

- If a consultation is on-going during this period, it should continue as normal.
- This means that government will continue launching projects and activities that were already planned.
- However, Departments should avoid taking action which will compete with candidates for the attention of the public or allow politics to dominate or take over their consultation programme.

### **6.5 Communication Activities**

Government communicators should apply the principles set out above when planning and delivering communications activities which will take place during this period.

- Additional care should therefore be taken to ensure that these communication activities are not used for political reasons by party or persons taking part in an election campaigning.

### **6.6 Izimbizo**

- During this period, the proposed visits to communities as part of the government programme of Izimbizo should continue.
- Official Imbizo events cannot be used for party political objectives.
- Communication officials' support must not be given to visits and events with a party political or campaigning purpose.
- In cases of doubt, further guidance should be sought from GCIS or the DPSA.

### **6.7 Handling of requests for information**

- There should be even handedness in meeting information requests from the public or organisations like the media.
- The aim should be to respond to requests from as soon as possible and in an accurate manner.
- Where it is clear that a candidate's request is done through Freedom of Information Act 2000 – then it should be handled as per department's rules and regulations. The Act requires public authorities to respond to requests promptly and within a specified timeframe.

### **6.8 Media**

- Government communications will continue engaging with the media in line with the work of government and the programme of action.
- The communicators should continue responding to media queries on the work of government guided by these guidelines and exercising care not to advantage or disadvantage anyone political party.

### **6.9 Social Media**

- Social media has become a reliable platform for government to communicate with many South Africans.

- Even during this period, Government will continue to communicate the work of government through this channel, guided by these guidelines.

#### **6.10 Presentations**

- Government communication presentations can continue during an election period – this also includes that are technical in nature and are provided by specialised services like engineers, planners, architects. Such presentations will ensure the delivery of services. Communicators can also present key programmes to media for communications.

#### **6.11 Participation in meetings/Speeches by departmental personnel**

While government personnel are urged to continue their normal activities and contacts with the public and organizations with which they are routinely involved:

- speeches or public statements concerning controversial issues or those promoting programs or policies are to be avoided during the election period; and
- Active participation in public conferences/stakeholder meetings cannot be curtailed during this period.
- Public servants must avoid public statements at such conferences/meetings that can disadvantage or advantage any political party.

#### **6.12 Exhibitions**

- Displays, such as those promoting the work of government programmes should continue and also exhibitions which promote government programs and policies.

#### **6.13 Signs, posters, billboards**

- Signs, posters and other methods of publication are restricted to the work of government to ensure that the public is informed.
- Prohibited in particular would be those that clearly give one party an advantage over the other.
- All existing signage that promotes government programs or activities can remain even during the duration of the election period.

#### **6.14 Brochures and publications**

- Those brochures and publications already "in place" and available to the public may continue to be available in the usual way.
- However, new publications to be published during an election period should strictly be about government work and its programmes.
- Communicators should guard against having content and colours that might advantage or disadvantage other party/s.

#### **6.15 Advertising**

- Advertising of government programs and policies will be discontinued, except in cases of an emergency.

- The adverts by government should be geared to showing the progress with regards to key government programmes under implementation.
- The adverts that promote the government or government programs or services or to advertising in place to ensure the health and safety of the public.

#### **6.16 News releases**

- News releases from government should continue and concern only matters of vital importance relating to the work of government.
- Such releases, except those dealing with an emergency, shall be in the name of the Ministers, Deputy Ministers and DGs and shall consist of statements made by him or her.

### **7. UNLAWFUL USAGE OF STATE RESOURCES IS PROHITED DURING ELECTION PERIOD**

- Government communications cannot use the public funds for electioneering or to benefit one candidate over another or a particular political party.
- Ordinary business has to continue despite the election, which includes ongoing communication with the (voting) public.

#### **7.1. State financed media**

During an election period: "State-financed media shall not be used for the purpose of promoting or prejudicing the interests of any political party."

- **What is state-financed media?** 'State-financed media' means any newspaper, book, periodical, pamphlet, poster, and media release or other printed matter, or statement, or any audio and video material, or any information in electronic format such as CD-ROM, Internet or e-mail which is produced and disseminated to the public and which is financed by, and directly under the control of, government".
- Communication agencies and components of government and their employees have to exercise special care to ensure that their media products, statements and public events do not promote or prejudice any political party.

#### **7.2. Promotional giveaways**

- Distribution of promotional giveaways should be discontinued during an election period. Items already distributed (not unfulfilled commitments) are not affected (Caps, T-shirts, etc).

### **8. GENERAL PRINCIPLES FOR PUBLIC SERVANTS**

The basic principle is that public servants should not undertake any activity which could call into question their political impartiality or could give rise to the criticism that public resources are being used for Party political purposes.

Government communication should ensure that the application of these principles is given attention in this sensitive period:

It is important therefore that public servants take particular care during the election period to ensure that they conduct themselves in accordance with the Public Service Act. In particular, public servants are under an obligation:

Regarding the conduct of government employees, the Public Service Code of Conduct stipulates, among other things, that an employee (including an employee who is a candidate during an election):

- a. may not abuse his/her position in the Public Service to promote or prejudice the interest of any political party.
- b. must refrain from party political activities in the workplace.
- c. may not abuse his/her position in the Public Service to promote or prejudice the interest of any political party or interest group.
- d. recognises the public's right of access to information, excluding information that is specifically protected by law.
- e. may not unfairly discriminate against any member of the public on account of political persuasion.
- f. loyally executes the policies of the government of the day in the performance of his/her official duties as contained in all statutory and other prescripts.
- g. may not undertake any activity which could call into question their political impartiality;
- h. Ensure that public resources are not used for Party political purposes; and
- i. Exercise particular care in relation to the announcement of sensitive decisions and entering political debates and discussion, and in relation to paid publicity campaigns.
- j. There should be even-handedness in meeting information requests.
- k. Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial activities and announcements which have a bearing on matters relevant to the elections. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome - each case should be considered on its merits;
- l. Special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for Party political purposes.

## **9. FREEDOM OF ASSOCIATION IN RELATION TO EMPLOYEES**

- Like all other citizens, government communicators have the freedom of association: to belong to any party of their choice.

- Subject to provisions of the Public Service Act quoted above, any political activities that individual public servants, including communicators, may wish to undertake, in their own private time, is their own private matter.
- A public servant may be a candidate for elections subject to the Public Service Code of Conduct and any other limits prescribed in regulations by the Minister of Public Service and Administration.

### **9.1. Informing department of candidacy and leave during an election:**

The Regulations provide that an employee:

- must, not later than the next working day after he/she is issued with a certificate in terms of section 31(3) of the Electoral Act, inform his/her department in writing that he/she is a candidate for election.
- must furnish a copy of the certificate to the department.
- is deemed to be on annual leave (and unpaid leave, if he/she has insufficient annual leave) from the date the certificate is issued until the election results are finalised (Regulation 2/D.2 and D.3 of the Regulations).

### **9.2. Employees elected as full or part-time candidates:**

- If an employee is elected and assumes office, he/she is deemed as having resigned from the Public Service with effect from the date immediately before the date he/she assumes office as a member of the National Assembly, provincial legislature or full-time municipal councillor (section 36 of the Act).
- An employee appointed as a permanent delegate of the National Council of Provinces is deemed to have resigned from the Public Service with effect from the date immediately before the date he/she assumes office as such delegate.
- An employee elected as a part-time municipal councillor may continue as an employee, but must seek approval in terms of section 30(1) of the Act from his/her executive authority to receive remuneration as a councillor (Regulation 2/C5.5).

## **10. PROCESSES**

- These guidelines shall be distributed to all Directors General and Heads of departments in government.
- In addition, the guidelines will also be sent to all government communication officers across government as well as other public servants whose work may relate to the matters raised herein.

- The responsibility for this will lie with the Heads of Department and Heads of Communication.

**Further advice**

In cases of questions and/or concerns –

- Contact – Phumla Williams  
Acting CEO  
083 501 0139  
[Phumla@gcis.gov.za](mailto:Phumla@gcis.gov.za)

**ISSUED BY GOVERNMENT COMMUNICATIONS (GCIS)**