

### 18. COMMUNICATION GUIDELINES DURING AN ELECTION PERIOD

#### PURPOSE

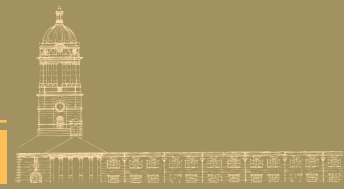
- To guide government communicators on their conduct during an election period – 2014.

#### 18.1. BACKGROUND

- 18.1.1. Chapter 3 of the Electoral Act, 1998 (Act 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.
- 18.1.2. On 21 February 2014, President Jacob Zuma signed a proclamation setting 7 May 2014 as the date for the National Assembly elections in the country.
- 18.1.3. The proclamation setting 7 May 2014 as the date of the National Assembly elections was published in the Government Gazette on 25 February 2014.
- 18.1.4. According to Section 24(1) of the Electoral Act of 1998, the voters' roll closes on the day the election is proclaimed, which was 25 February.
- 18.1.5. President Zuma has also declared 7 May 2014 as a public holiday.
- 18.1.6. The premiers of the provinces are duly expected to issue proclamations calling and setting 7 May 2014 as the date for the Provincial Legislature elections in their respective provinces.

#### 18.2. INTRODUCTION

- 18.2.1 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 an election contest.
- 18.2.2 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.
- 18.2.3 An elections period is a time of robust debate and political contest and a heightened political environment which has its own challenges.



- 18.2.4. On 31 March 1999, the South African Cabinet agreed that a framework be formulated to guide the dissemination of government information during an election period. The guidelines were adopted during the local government elections of 2000, and the national and provincial elections of 2004.
- 18.2.5. The guidelines have been decided upon at the initiative of government. The Independent Electoral Commission (IEC) may, independently take whatever relevant steps it deems necessary on this matter.

### **18.3. SCOPE OF APPLICATION**

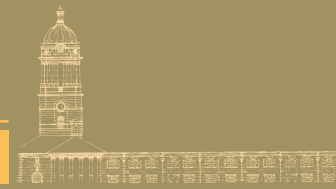
- 18.3.1 These guidelines apply to all government communicators, government communication structures and other related public servants/officials.
- 18.3.2 In so far as ministers and other political representatives, contractual workers and employees in role-playing posts are concerned, the parameters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

### **18.4. AN ELECTION PERIOD**

- 18.4.1 According to the IEC, an election period is the period during which the IEC's Code of Conduct and Independent Broadcasting Authority regulations apply.
- 18.4.2 The election period started on 25 February 2014 with the proclamation by the President and end when election results are announced and certified.

### **18.5. LEGISLATIVE AND CONSTITUTIONAL RIGHTS AND OBLIGATIONS**

- 18.5.1 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.
- 18.5.2 Furthermore, the Public Service Act 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.
- 18.5.3 During an election period, these and other provisions of the Act continue to apply to all public servants. As a result government communication 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 but the work of government.



### 18.6. THE WORK OF GOVERNMENT CONTINUES

18.6.1 Ministers have full authority to exercise their ministerial responsibilities right up until the day of the election.

18.6.2 Government communication messages during an election period should:

- be relevant to government responsibilities
- be objective and explanatory
- not be, liable to misrepresentation
- not be party political.

18.6.3 Government communicators and their departments should continue meeting the obligation of government to provide information to the people.

18.6.4 Government communications should continue exercising its responsibility to promote and defend the policies, programmes and actions of the government – this they should do guided by these guidelines.

#### 18.6.5 *Izimbizo/public consultations/communication activities*

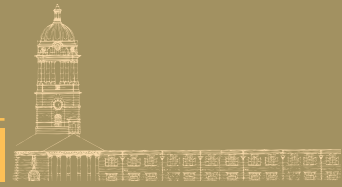
- The programme of taking government to the people should continue, however it must not compete with political rallies and gathering.
- Government can continue to launch projects and activities that were already planned.
- Official Imbizo events cannot be used for party-political objectives.
- Additional care should therefore be taken to ensure that these communication activities are non-partisan.

#### 18.6.6 **Handling of requests for information**

- There should be even handedness in meeting information requests from the public or organisations like the media.
- Where it is clear that a candidate's request is done through the Promotion of Access to Information Act, 2000 (Act 2 of 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.

#### 18.6.7 **Media**

- Communicators should continue engaging and responding to media queries on the work of government guided by these guidelines and exercising care not to advantage or disadvantage any political party.



### **18.6.8. Social Media**

- Social media has become a reliable platform for government to communicate with many South Africans.
- Government will continue communicating its work through this channel guided by these guidelines.
- Government social media accounts should not be used for party-political purposes.

### **18.6.9 Presentations**

- Government communication presentations can continue during an election period – this also includes those of a technical nature by specialised services like engineers, planners, architects as such presentations will ensure the delivery of services. Communicators can also present key programmes to media for communications.

### **18.6.10 Participation in meetings/speeches by departmental personnel**

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

- a. Government communicators cannot stand on a political platform and deliver speeches or public statements on the work of government.
- b. Active participation in public conferences/stakeholder meetings regarding government work should continue during this period.
- c. Public servants must avoid public statements at such conferences/meetings that can disadvantage or advantage any political party.

### **18.6.11 Exhibitions**

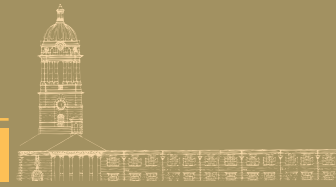
- Displays and exhibitions promoting the work of government should continue.

### **18.6.12. Signs, posters and billboards**

- Signs, posters, billboards and other channels are restricted to the work of government to ensure that the public is informed.
- Government can have all existing signage that promotes government policies, programmes or activities even during the election period.

### **18.6.13 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 guided by these guidelines.



### **18.6.14. Advertising**

- Government adverts should be geared towards showing progress made regarding key government programmes under implementation.
- The adverts should promote the government or government programmes or services to ensure the health and safety of the public.

### **18.6.15. News releases**

- News releases from government should continue and concern only matters of vital importance relating to the work of government.

## **18.7. UNLAWFUL USAGE OF STATE RESOURCES IS PROHIBITED DURING AN ELECTION PERIOD**

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

### **18.7.1 State-financed media**

During an election period: "Government communicators should exercise special care by ensuring that state-financed media is not used for the purpose of promoting or prejudicing the interests of any political party."

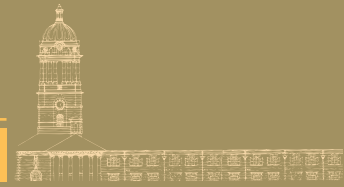
- a. What is state-financed media? 'State-financed media' means any newspaper, book, periodical, pamphlet, poster, and media release or other printed matter, or statement, or any audio and video material, or any information in electronic format such as CD-Rom, Internet or email which is produced and disseminated to the public and which is financed by, and directly under the control of, government.

### **18.7.2 Promotional giveaways**

- Distribution of promotional giveaways should be discontinued during an election period.

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

- 18.8.1 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.
- 18.8.2 It is important that public servants take particular care during the election period to ensure that they conduct themselves in accordance with the Public Service Act of 1994.

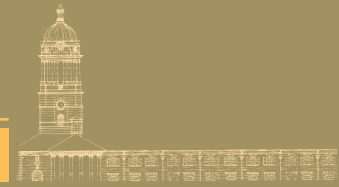


### **18.8.3 In particular, public servants are under an obligation:**

- 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. Not to undertake any activity which could call into question their political impartiality.
  - h. To ensure that public resources are not used for party-political purposes.
  - i. To 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. 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.

### **18.8.4 Freedom of association in relation to employees**

- a. Like all other citizens, government communicators have the freedom of association: to belong to any party of their choice.
- b. Subject to provisions of the Public Service Act of 1994 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.
- c. 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.
- d. Government communicators should take leave when they want to attend political meetings. Official working hours cannot be used for party-political purposes.
- e. Public Servants accompanying ministers on political activities during office hours must refrain from prejudicing any political party as stipulated in the guidelines. (They should accompany the minister not as party officials but to provide relevant responsibilities linked to their actual job).



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

The regulations provide that an employee:

- a. 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 of 1998, inform his/her department in writing that he/she is a candidate for election.
- b. must furnish a copy of the certificate to the department.
- c. 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).

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

- a. 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).
- b. 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.
- c. 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).

### **18.8.7 Processes**

- These guidelines shall be distributed to all DGs and heads of department 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 HoCs.