



# THE SABC SUBMISSION ON THE DRAFT MUNICIPAL ELECTIONS BROADCASTS AND POLITICAL ADVERTISEMENTS AMENDMENT REGULATIONS

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## 1. INTRODUCTION

The SABC would like to thank the Independent Communications Authority of South Africa (“the Authority”) for the opportunity to make a written submission on the Draft Municipal Elections Broadcasts and Political Advertisements Amendment Regulations (“the Draft Regulations”), as published in Government Gazette No. 53608 on 31 October 2025. This submission focuses on provisions within the Draft Regulations that have a direct impact on the operational, technical, and compliance functions of the Corporation.

The SABC is mandated to deliver a public value proposition of educating, informing and entertaining all South Africans in all official languages, in accordance with the Broadcasting Act 4 of 1999 (“the Broadcasting Act”). The Corporation fulfils this mandate through its extensive portfolio of 18 radio stations, Channel Africa, 7 television channels and a growing range of digital platforms. Furthermore, section 8(a) of the Broadcasting Act obliges the SABC to ensure that its services are available throughout the Republic of South Africa. In line with this universal service obligation, the SABC positions itself as a public service media institution, providing accessible, diverse and inclusive content across all platforms for the benefit of all South Africans.

## 2. THE ROLE OF THE SABC IN COVERING ELECTIONS

The existing policy and legislative frameworks oblige the SABC to cover elections through the provision of news and information, thereby enabling the public to participate meaningfully in the democratic process by ensuring access to relevant and timely information. The SABC recognises that information dissemination and exchange are of paramount importance, particularly during election periods. Accordingly, the Corporation strives to provide comprehensive coverage of all elections across its broadcasting platforms.

Notably, SABC platforms serve as critical channels through which the public is empowered to make informed decisions regarding national and municipal elections. By delivering content in all official languages, the SABC ensures that audiences are reached in the languages of their choice, enabling them to fully exercise their constitutional right to freedom of expression, which includes the right to receive information.

## 3. PROVISIONS OF THE DRAFT REGULATIONS

### 3.1. Financial viability of the SABC:

Section 2(t) of the Electronic Communications Act (“the ECA”) mandates the Authority to protect the integrity and viability of public broadcasting services. In the context of the upcoming Municipal Elections, it is essential that the regulatory framework enables the SABC to fulfil its public service

mandate while remaining financially sustainable. Election coverage is inherently a capital-intensive undertaking that requires substantial resources, including additional technical, editorial and logistical capacity.

While the SABC anticipates funding support from Government for election related operations, this funding has historically been insufficient when measured against the significant operational costs associated with comprehensive election coverage. In light of these constraints, the SABC submits that the allocation of PEBs should be structured in a manner that balances the need for equitable access with the imperative to maintain the financial viability of the Corporation.

### **3.2. Sanctions and fines**

The SABC respectfully submit that the Authority apply leniency in determining any fine arising from the alleged contravention, considering the Corporation's current financial constraints, public mandate obligations and the complex operational environment within which it functions. As a public broadcaster, the SABC operates across multiple platforms radio, television and digital which require extensive resources to maintain universal access and fulfil its statutory obligations. These obligations must be delivered notwithstanding persistent structural financial challenges, including declining advertising revenue, escalating content production costs, and the significant expenditure required to sustain nationwide transmission services.

Furthermore, the SABC has undertaken substantial steps to strengthen its compliance framework, enhance internal monitoring mechanisms and align operational processes with regulatory requirements. In this context, any fine imposed should be carefully calibrated to avoid imposing a disproportionate financial burden that could compromise the Corporation's ability to provide essential public-interest programming, particularly during critical periods such as elections. Given these considerations, the SABC submits that the Authority should exercise leniency and issue reasonable sanctions which are proportional to the contravention in order to enable the Corporation to continue fulfilling its constitutional and legislative mandate without undue financial strain.

### **3.3. PEBs on commercial platforms**

The SABC notes that it continues to experience significant financial pressures arising from increased competition with online content providers and other broadcasters for advertising revenue. The Authority is therefore urged to consider that the SABC competes for the same advertising market as its commercial counterparts at all times, including during the election period. When the SABC carries PEBs, it consequently forgoes potential commercial advertising revenue that could have contributed to the financial sustainability of the Corporation.

In particular, section 11(a) of the Broadcasting Act of 1999, as amended, states that “*commercial services of the Corporation must be subject to the same policy and regulatory structures as outlined in the Act for commercial broadcasting services*”.

Furthermore, the SABC’s Commercial Services are required to comply with the regulatory framework and conditions applicable to the commercial broadcasting sector, as outlined in clause 2.3.2 of the Broadcasting Policy of 1998. This reinforces the position that SABC Commercial Services should not be compelled to carry PEBs, consistent with the treatment of other non-SABC commercial broadcasters. Imposing PEB obligations on the SABC’s Commercial Services would run contrary to the spirit and intention of both the Broadcasting Act and the Broadcasting Policy, which clearly envisage a light-touch regulatory regime for these services. Such a requirement would undermine their commercial orientation and impede their ability to compete effectively and generate revenue.

Additionally, section 57(2) of the ECA enjoins the Authority to consider the financial and programming implications of the Corporation when developing election regulations. Thus, the SABC Commercial Services should be allowed to focus on generating commercial revenue instead of being mandated to carry PEBs.

Accordingly, it is submitted that the SABC Commercial Services namely SABC 3 and the radio services 5FM, Metro FM, and Good Hope FM should not be compelled to carry PEBs in the same manner as other non-SABC commercial broadcasting services. We therefore urge the Authority not to impose PEB obligations on these commercial services, consistent with the approach adopted during the 2024 National and Provincial Elections. It is the SABC’s considered view that the exclusion of PEBs from its Commercial Services will ensure a level playing field, enabling the SABC to compete fairly with its commercial counterparts while prioritising revenue generation within these platforms. This approach will further support the Corporation’s financial sustainability without undermining its broader public service mandate.

### **3.4. PEB timeslots**

Draft Regulation 4(15) of the Draft Election Broadcast Regulations stipulates that broadcasters must “*make available, every day and throughout the election broadcast period, twelve (12) timeslots of forty (40) seconds each for the broadcast of PEB, excluding the concluding message (tail) disclaimer.*”

The SABC notes with appreciation that Regulation 4(12)(a) provides that PEBs will be 40 seconds in duration. This is a positive development as it reduces the extent of programming displacement and allows the SABC to accommodate a greater volume of commercial advertising revenue.

However, the SABC wishes to submit that the provision of ten (10) daily timeslots for Political Election Broadcasts (PEBs) is sufficient and operationally practical. Historical evidence shows that not all political parties and independent candidates make use of their allocated PEBs. During the 2024 National and Provincial Elections, several eligible entities did not submit material for broadcast. ICASA allocated 372 PEB slots for each SABC radio and television platform designated for election broadcasts; however, 161 television slots were not used due to non-submission or late submission of material by political parties and independent candidates. Additionally, eleven (11) slots allocated to independent candidates on television were not utilized for the same reasons.

Of the seventy (70) registered political parties, only thirty-three (33) submitted PEBs for broadcast on SABC radio and television. Furthermore, of the eleven (11) registered independent candidates, only three (3) utilized their PEB allocations on both radio and television, while one (1) utilized radio only.

#### **PEB usage data- 2024 National Elections**

Registered political parties	Political Parties-participants	political parties' non-participants
70	33	37
<b>Registered independent candidates</b>	<b>Independent candidates' participants</b>	<b>Independent candidates – non-participants</b>
11	3	8

#### **PEB usage data- 2021 Municipal Elections**

Registered political parties & Independent candidates	Political Parties & Independent Candidates- (participants)	political parties & Independent Candidates (non-participants)
325- Political parties	0,79%	99,21%
1546- Independent candidates		

This data demonstrates that a significant proportion of political parties and independent candidates do not make use of the opportunity to broadcast their political messages. Accordingly, it is submitted that the risk of unused PEB slots effectively free but wasted advertising inventory should be minimized. Allocating twelve (12) daily slots, when historical usage patterns show that demand is considerably lower, becomes counterproductive and results in avoidable operational inefficiencies.

For these reasons, the SABC submits that ten (10) daily PEB timeslots are adequate, reasonable, and better aligned with actual demand and resource optimization.

#### **3.5. Allocation of PEBs**

It is noted that the Authority is empowered to allocate PEB slots for political parties and independent candidates on the broadcasting platforms. In the interest of protecting the financial viability of the SABC, it is the SABC's submission that PEBs be excluded in prime time but be spread throughout the performance period as this will enable the SABC to generate revenue for the greater public service mandate.

It is worth noting that during the election period, the SABC tries to broadcast all newsworthy, important, relevant and interesting political party election-related news and content in its current affairs programmes. Furthermore, the SABC does not broadcast PAs in its radio current affairs programmes, with the view to preserve the editorial integrity of these programmes

The SABC submits that neither PEBs nor PAs be scheduled directly before, during or directly after TV and Radio current affairs shows and news bulletins, (including Morning Live) so as to preserve the editorial integrity of these programmes as far as possible and to avoid any association of party messages with editorial content by the public.

Alternatively, if the Authority insist on allocating political adverts (PAs and PEBs) during news and current affairs, these PEBs or PAs be broadcast before the bulletin or current affairs programme starts or after the respective programmes have ended. Ideally, it is not advisable to have them played during the news and current affairs programmes.

Based on the abovementioned reasons, the SABC therefore submits that the Authority Should consider not allocating PEBs during current affairs shows both on radio and television.

### **3.6. Forfeiture of PEBs by political parties and independent candidates**

The SABC supports Draft Regulation 4(17), which stipulates that *“if a political party or an independent candidate fails to deliver the PEB to the BSL before the expiry of five (5) working days prior to the broadcasting thereof, then the political party or independent candidate is deemed to have forfeited its allocated airtime.”* This provision is practical and supports the SABC’s operational mandate to ensure the efficient use of broadcast time while upholding editorial fairness and neutrality. It also prevents any undue advantage accruing to a party or candidate through late submissions and ensures that the broadcaster retains the necessary control over scheduling to continue providing essential public-interest programming without disruption.

### **3.7. Back-to- back/adjacent PEBs and/or PAs**

Draft Regulation 4(15) of the Draft Election Broadcast Regulations stipulates that: *“A BSL must not broadcast a Political Election Broadcast (PEB) immediately before or after another PEB, or immediately before or after a Party Election Advertisement (PA).”*

The SABC submits that Regulation 4(15), which prohibits a BSL from broadcasting a PEB immediately before or after another PEB or adjacent to a PA, should be reconsidered to allow back-to-back scheduling. There is no empirical evidence demonstrating that consecutive PEBs

or adjacent PEB and PA placements cause audience confusion, undue influence, or any adverse impact. In practice, modern broadcast operations depend on automated scheduling systems that optimise available timeslots, enhance compliance, and maintain consistent programming flows across multiple platforms.

Allowing back-to-back placement would improve operational efficiency, particularly during peak election periods when broadcasters must accommodate a high number of political parties within limited airtime. Importantly, consecutive scheduling also promotes fairness and equal access, as it minimises the risk of delays, missed slots, or the unnecessary displacement of compliant political content.

The SABC further submits that there is no political prejudice arising from back-to-back scheduling of PEBs, PAs, or any combination thereof, provided that each item is clearly defined and distinguished. The regulations already require that PAs and PEBs carry tail disclaimers, which provide sufficient delineation and ensure that audiences are fully informed of the nature and origin of the broadcast.

In light of the above considerations, the SABC respectfully requests that the Authority amend Regulation 4(15) to permit back-to-back broadcasting of PEBs and PAs, subject to all other regulatory safeguards.

### **3.8. Submission of PEBs by political parties and independent candidates**

In the past elections, the SABC had rejected PEBs that were delivered in-person by political parties and independent candidates, based on their non-compliance with prescribed standards. In other cases, these political parties and independent candidates had travelled from other provinces to deliver the PEBs in Auckland Park, Gauteng. This exercise could have been less costly for political parties and independent candidates if electronic submissions were made. In the interest of reducing travel/operational costs on both ends, it is submitted that the regulations must require political parties and independent candidates to submit their PA and PEB materials electronically.

The SABC has control measures in place to ensure that all received PEBs are properly processed and acknowledged accordingly. We therefore submit that electronic submissions must be mandatory, as it has financial gains and is aligned with the current digital environment. Furthermore, electronical submissions will improve efficiencies and reduce delays in the submission and processing of adverts.

### **3.9. Principal/Broadcast Language of broadcasting service licensee (BSL)**

It is noted that Draft Regulation 4(22) of the Draft Regulations provides that PEBs should be broadcast in the language of the relevant BSL/broadcaster.

The SABC is fully supportive of this provision, as the use of the broadcast language of each radio station ensures that Party Election Broadcasts and Political Advertisements (PEBs and PAs) effectively reach their intended language groups. This approach promotes equitable access, enhances audience understanding, and ensures that all official languages are adequately represented across the SABC's diverse platforms. It further advances universal access, particularly for audiences who rely on radio as their primary source of news and information.

### **3.10. Clock hour advertising cap**

Even in the upcoming Municipal Elections, the SABC would like the Authority to confirm that the PEB timeslots allocations will not affect the clock hour advertising cap, to allow the SABC TV Channels to generate commercial revenue during the election period. Thus, it is submitted that the final regulations should reflect this position for certainty.

### **3.11. Technical Formats and quality**

The SABC would like to support and emphasise the importance of adherence to appropriate technical formats through which PAs and PEBs should be submitted to BSL for broadcast during the election period, for that reason, the SABC submits that for both TV and Radio Services, political parties and independent candidates must adhere to the technical standards expressed in Schedule 2 of the Draft Regulations. Thus, the SABC supports the below technical standards:

#### **For Television**

##### **HD (High Definition)**

- Commercials to comply with the 1920 x 1080i HD Standard in a 16:9 aspect ratio at 25 frames per second
- Digital Audio Reference level is defined as 18dB below the maximum coding value (-18dBFS) as per EBU recommended practice R128.
- Timecode of commercial start is at 10:00:00:00.
- Stereo audio on tracks 1&2, (Any additional audio tracks should not be MUTE but rather be duplicates of track 1&2)
- Fade to silence at commercials end.

##### **File format:**

MXF OP-1a (SMPTE 378M), XDCAM HD 422

##### **Video:**

- Codec: MPEG-2 422P@HL LongGOP
- Bit rate mode Constant
- Bit rate: 50 Mb/s (CBR)
- Resolution: 1920 x 1080
- Interlacing: Upper Field First Display aspect ratio 16:9
- Frame rate: 25 fps (50i).

#### **For radio**

##### **Audio:**

- Track 1 (AES1) Stereo Left / Lt
- Track 2 (AES1) Stereo Right / Rt
- Codec: Uncompressed (PCM)
- Sample Rate: 48 kHz,

- Sampling Size: 24 bit
- Additional tracks: Duplicate tracks 1&2.”

**Additional element:** WAV 48 kHz/16-bit PCM and high-quality MP3 320 kbps, as accepted radio formats alongside MPEG-2, reducing transcoding errors and turnaround time.

### **3.12. Consolidation of Election Broadcast Regulations**

The SABC submits that the Authority should prioritise the consolidation of the 2011, 2016, and 2021 Election Broadcast Regulations into a single, updated regulatory instrument. The current fragmentation of requirements across multiple documents creates unnecessary complexity, increases the risk of interpretational inconsistencies, and complicates compliance processes for broadcasters. A consolidated set of regulations would greatly enhance regulatory clarity, improve operational alignment, and ensure that all stakeholders including political parties, independent candidates, and broadcasters have a single, authoritative point of reference. Streamlining the regulatory framework will not only strengthen compliance but will also promote transparency, efficiency, and regulatory certainty ahead of each election cycle. The SABC therefore strongly urges the Authority to merge these regulations into one comprehensive and coherent document.

## **4. CONCLUSION**

The SABC would like to thank the Authority for the opportunity to submit these written representations and looks forward to further engagement with ICASA following the finalisation of the Regulations.