

Ms. Aoife MacEvilly  
Broadcasting and Video-On-Demand Commissioner,  
1 Shelbourne Buildings,  
Shelbourne Road,  
Dublin 4.

4 September, 2024

Dear Aoife,

Thank you for your correspondence of 7 August, 2024 in relation to the broadcast moratorium.

In its review of the information campaign on the Family and Care Referendums in July, An Coimisiún Toghcháin recommended that the broadcast moratorium be removed. The text of the recommendation was:

*'Guidelines provided by Coimisiún na Meán instruct radio and television broadcasters to observe a moratorium on coverage of an electoral event from 2:00 p.m. the day before the event until the close of polls. This does not apply to online media or social media. In the case of these referendums, the moratorium began on 2:00 p.m. on Thursday, 7 March and was in effect until 10:00 p.m. on Friday, 8 March. At a time when online media and social media is so prevalent, these guidelines are now anomalous and open to potential exploitation.'*

*An Coimisiún recommends that the broadcast moratorium is removed from the guidelines for radio and television broadcasters before the next electoral event.'*

The moratorium was introduced at a time when the media landscape was very different. The publication of information or material online after the moratorium, when broadcasters are unable to offer comment or analysis, certainly leaves the initiative open to potential abuse by individuals and others with an interest in the dissemination of mis- or disinformation or those who wish to undermine the integrity of the electoral event. The short window of time before polling day also affects candidates' or advocates' (in a referendum debate) capacity to ensure that alternative or other points of view can be made available to the widest possible segments of the voting population.

Ireland's electoral system is such that often small numbers of votes are the difference between success and failure for some, so it is incumbent on regulators and those in authority to ensure fairness for all those who participate in democracy, as well as the wider electorate. As indicated in your comprehensive consultation document, an

attempt to level the playing field between online and other media by extending the moratorium to online platforms is clearly not feasible, so therefore it makes sense to remove it altogether.

It is also interesting to note from our research undertaken at the time of the referendums and subsequently at the local and European Parliament elections in June, that the period immediately before, and on the day of, each electoral event was when many people made up their minds about how they were going to vote. The findings of the research can be accessed at [NEDS.ie](http://NEDS.ie).

It is clear from this data that a significant proportion of voters in this country turn their minds to elections in the 24 hours before polling day and therefore it makes further sense to allow voters to access the full range of media, including broadcast media which, from the data, remains a critical and trusted source of information for those who intend to vote.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Art O'Leary', with a long, sweeping horizontal stroke extending to the right.

Art O'Leary  
Chief Executive