

**Republic of South Sudan
National Elections Commission**

Pursuant to Sections 80 to 87 and 139 of the “National Elections Act, 2012 (Amendment) Act, 2023” the National Elections Commission of the Republic of South Sudan issues:

Regulation No 3/2024 on Election Campaign

**Section 1
Definitions**

1.1. For the purpose of this Regulation, the following terms shall have the following meanings, unless the context determines otherwise:

- a. “Act”: means the National Elections Act 2012 (Amendment) Act 2023.
- b. “Advertisement”: means any public announcement intended to promote the sale, purchase or rental of a product or service, to advance a cause or idea or to bring another effect desired by the advertiser for which a space or time has been given up to the advertiser in the media for a fee.
- c. “Campaign period”: means the period specified in the notice issued by the NEC in relation to an election or referendum, during which campaign activities can be conducted.
- d. “Campaign materials”: means any tangible or intangible material that solicits support for a registered political party, coalition and/or a candidate in an electoral contest and contains the logo and/or name of the political party, coalition or candidate or any other form of clear identification of the sponsor.
- e. “Campaign Media Committee”: means the Committee established by the NEC at its headquarters, responsible for the monitoring of campaign activities within the media and for the conduct of media during an election or referendum.
- f. “Campaign silence”: means the period that extends from 24 hours prior to polling day, starting at 00:00 until the closing of the polls, during which no campaign activities are allowed, neither in media, nor in social media platforms or in person by political parties, candidates and/or their supporters.
- g. “Code of Conduct”: means the Code of Conduct for Political Parties and Candidates during Election Campaign issued by the NEC and annexed to this Regulation.
- h. “Election campaign”: means any activities that promote or oppose a political party or candidate, or taking a position on an issue with which one or more registered political parties or candidates are associated.
- i. “Election surveys”: means surveys about voting intentions or about an issue with which a registered political party or candidate is associated, that a third party conducts or causes to be conducted during the election campaign period.
- j. “Free media services”: means a television or radio short broadcast made by a political party, coalition or a candidate to present their views and programmes, which is allocated free of charge on state-owned media using a formula set by NEC.
- k. “Hate speech”: means all forms of expression that spread, incite, promote, or justify racial, ethnic or religious hatred or incitement to hostility xenophobia, or violence towards any target group such as women, persons with disabilities, minorities, migrants, internally displaced persons and any other vulnerable groups.
- l. “NEC”: means the National Elections Commission of the Republic of South Sudan.



- m. "Media organization": means any person or entity established with the intent to act as media, the purpose of producing and disseminating media content on which it exercises editorial control and whose aim is to abide by professional standards, to adhere to media accountability systems and which is engaged in disseminating information to the general public through electronic, print, broadcast, online, or other channels of mass communication
- n. "Political party supporters": means any person who supports a political party's programmes, policies and projects, and takes part in campaign activities or canvasses for votes for a political party or its candidates, within the election campaign period determined by the NEC.
- o. "Political rallies or processions": means activities or events organized by a political party, candidate, member or supporter, or on their behalf, in order to publicly project to the electorate the party's and/or candidates' ideas, programmes and policies as contained in their manifestos, logos or emblem.
"Social networks/platforms": means web or mobile-based means designed to allow users to create content and to interact, share, and/or exchange information and ideas in virtual communities and networks.

Section 2

General Provisions

2.1. This Regulation on Election Campaign, hereinafter the "Regulation", establishes the conditions for the conduct of campaign by political parties and candidates during an election or referendum.

2.2. This Regulation applies to all elections and referenda in the Republic of South Sudan.

2.3 The right to peaceful assembly is recognized and guaranteed by the Constitution of South Sudan and relevant laws, and every registered political party and candidate shall enjoy complete and unrestricted freedom of expression in the exercise of their rights. The authorities have a duty to take appropriate measures with regard to lawful assemblies to ensure their peaceful conduct and the safety of candidates and citizens.

2.4 Notwithstanding the provisions of Section 2.3, the authorities as these are specified in the Code of Criminal Procedure Act, may impose certain conditions on the exercise of the right to peaceful assembly as long as these are in accordance with the relevant provisions of the Code of Criminal Procedure Act, they are imposed in the aim to safeguard public safety and security and to protect the rights of others and are proportionate and necessary to this aim.

2.5 The NEC shall engage with law enforcement authorities to ensure unhindered access to venues for campaign by the general public.

2.6. Pursuant to the Media Authority Act 2013, any provision incorporated within any law restricting freedom of expression shall be "specifically and narrowly defined and subject to necessity, proportionality and pressing social need of the citizens of South Sudan as defined by democratic and human rights courts".

2.7 Election campaigns shall be in compliance with all existing laws, regulations and codes including the Code of Conduct for Political Parties and Candidates, as well as regulations of the media regulatory body, and shall be based on issues as contained in the constitutions and manifestos of the political parties.

Section 3 Election Campaign

3.1. Election campaign has the aim to canvass for votes by promoting - a registered political party and/or candidate in an election, or a certain political opinion in a referendum, by, for example, the use of name, logo, photograph, cartoon or drawing and/or by providing a link to an internet page where the above are included.

3.2. Election campaign includes, but not limited to, all rallies, processions, advertisements on public and private media organisations, including in internet and social media, door-to-door calls on voters, public gatherings, marches, private receptions, including in private houses, with the aim at canvassing for votes in favor of or against registered political parties and/or candidates contesting elections, by the political parties and/or candidates themselves or by third parties on their behalf, appeals for funds or support for a campaign, displays of party or candidate flags, posters, billboards or distribution of campaign materials in public spaces such as markets, streets, schools, use of vehicles with campaign materials, use of public address systems on vehicles.

3.3. Political rallies and processions with the aim to project, sensitize and create awareness about a political party and/or candidate, the party logo/emblem, slogan, its manifesto and its programme as distinguishable from other political parties and/or candidates, even when not directly canvassing for votes, are considered to be campaign activities if taking place during the election campaign period.

3.4. Registered political parties and candidates shall not organize campaign meetings within the space of buildings used by the government and state authorities, in schools during school hours, hospitals, religious buildings or sites of private ownership without the consent of their owners.

3.5. Provided they are lacking the intent to canvass for votes, the following do not constitute election campaign activities: a) the publication or the transmission to the public of an editorial, column, letter, commentary or news; b) the transmission by an individual, on a non-commercial basis on the internet and social networks/platforms, of his or her personal political views; c) phone and other calls to the electorate to encourage them to vote.

3.6. Legal provisions in the Act and these Regulations relating to election campaign shall apply to online mass media and social networks/platforms accounts, as long as the later aim to canvass for votes for an electoral contestant with or without remuneration, in the same manner in which they apply to any other form of election campaign using traditional media.

Section 4 Election Campaign Materials

4.1. Election campaign material may include, but not limited to, a pamphlet, flyer or notice, billboard, poster or sign, a how-to-vote card if signed by an electoral contestant, a print, digital, audio-visual or online advertisement, a social media post or profile, if it involves production and/or distribution costs, and unsolicited and/or mass electronic communications such as emails and Short-Message Service (SMS);

4.2. Any campaign material shall specify the political party and/or candidate(s) concerned, the sponsor of the material and shall include the name and address of the publisher of such material.

4.3. Election campaign material shall not be placed inside and/or within 50 metres of public institutions, schools, religious buildings, or buildings owned by the state, neither on monuments nor buildings that have cultural value.

Section 5 Campaign Period

5.1. Pursuant to Section 87(1) NEA 2012/80(1) NEA 2023, the NEC shall determine and announce the period during which election campaign shall take place and publish it in the Official Gazette or two newspapers with nationwide circulation and announce in its website and in mass media, provided that the campaign period shall not exceed seventy (70) days and shall end one day prior to polling day.

5.2. When elections of the President of the Republic, Legislative Assemblies and Local Governance elections are conducted on the same day, the campaign period shall not be less than thirty (30) days and shall not exceed fifty (50) days, and shall end one day prior to polling day, whereas no campaign shall be allowed until the closing of the polls.

5.3. In case only elections of the President of the Republic are conducted during one electoral event, the campaign period shall not exceed seventy (70) days and shall end one day prior to polling day, whereas no campaign shall be allowed until the closing of the polls.

5.4. In accordance with Section 118 NEA 2012/101 NEA 2023, and irrespective of elections for other elective offices being conducted on the same day, the campaign period for elections to the Council of States shall not exceed fourteen (14) days and shall end one day prior to polling day.

5.5. If a second round is held between the two candidates with the highest number of valid votes from the first round of elections for President of the Republic, Governors of the States and Legislative Assemblies at Federal and State level (in case of equal valid votes between the two top candidates as the Act provides), the campaign period shall not exceed thirty (30) days and shall end one day prior to polling day.

5.6. Campaign activities shall be conducted anytime of the day.

5.7. All campaign activities conducted before the official start of the election campaign period as this is determined and announced by the NEC and during the 24 hours prior to polling day until the closing of the polls, shall be considered unauthorized and a violation of the Code of Conduct for Political Parties and Candidates.

5.8. The NEC may impose administrative penalties proportionate to the unauthorized campaign activities, while addressing a relevant complaint. These penalties may include: a formal warning; an order prohibiting the political party or independent candidate from using any public media time, through the television or radio broadcasting service of such media as this may have been allocated or may be allocated to the political party or independent candidate for election campaign; an order prohibiting the political party or independent candidate from holding public meetings or rallies or publishing or distributing campaign material for a certain period of time; the limitation of free media time to be imposed to the party or candidate violating the electoral silence period, during the next electoral event.

Section 6
Calls for Violence, Hate Speech and Discrimination

6.1. No political parties, candidates and/or their supporters, or any media or information channel shall use any expression that constitutes incitement to public disorder, hate speech, insurrection or violence, or threatens to resort to any such actions or to war before, during or after the election campaign period.

6.2 No political parties, candidates and/or their supporters or any media or information channel shall use, overtly or covertly, images or disseminate ideas that are discriminatory on the grounds of gender, race, tribe, national or ethnic origin, religion, disability, social status, education, age or sexual orientation before, during or after the election campaign period.

6.3 Any person who contravenes Sections 6.1 or 6.2 of this regulation or related provisions of the Act or the Penal Code Act, commits an offence punishable in accordance with the provisions of the Act or any other applicable law. The NEC may disqualify any candidate on the basis of committing an election offence, listed in Sections 6.1 or 6.2 of this regulation.

Section 7
Obligation for Equal Treatment of Electoral Contestants

7.1. During the election campaign, every public officer and/or public authority, including members and employees of the NEC, shall treat any candidate and political party in an impartial manner in all matters and without favor to any of them, in order to guarantee equality of opportunity and a level-playing field between them.

Section 8
Misuse of State Resources

8.1. Political parties and/or candidates registered to contest an election shall not use state or administrative resources, human resources or public material during the election campaign period for the purpose of campaigning except for the public media.

8.2. Pursuant to Section 93 NEA 2012/86 NEA 2023, any political party, coalition, independent candidate, civil society organization or registered voter may submit a written substantiated complaint to the NEC, state High Committees and Returning Officers, annexing any necessary documents, to denounce a violation under Section 8.1, at any moment during the electoral process and until the declaration of final results.

a) If the complaint alleges a violation by Presidential candidates or by political parties for elections to the President of the Republic or the National Legislative Assembly, the NEC Commissioners shall deliberate and decide on the complaint within five (5) calendar days from the day of submission.

b) If the complaint alleges a violation at the state or lower level, including for elections to the National Legislative Assembly by individual candidates or their supporters as well as for elections to the State Legislative Assemblies, State Governors or Chief Administrators, the relevant state High Committee and Returning Officer shall decide on the complaint within five (5) calendar days from the day of submission.

c) The aggrieved parties shall have the right to file an appeal against the decision of the NEC to the competent Court within five (5) days from the day of notification of the decision.

d) The aggrieved parties shall have the right to file an appeal against the decision of the state High Committee and Returning Officer to the NEC within three (3) calendar days from the day of notification of the decision.

8.3. The NEC shall issue a notice, no later than 14 days prior to the start of the campaign period, to require every candidate who is a member of the National or a State Legislative Assembly, a State Governor or a Chief Administrator, to declare the facilities allocated to him/her and any type of equipment to the custody of the candidate by virtue of that office. The candidates obliged to provide the information required under this notice shall submit it no later than seven days prior to the start of the campaign period.

8.4. A candidate who fails to comply with the requirement of Section 8.3 shall be deemed to have committed an offence in accordance with Section 8.6 of this Section.

8.5. Misuse of state or administrative resources for campaign purposes in support of or against one or more political parties and/or candidates may be manifested through the misuse of budgetary and financial resources of state authorities and local administration for the organization of public events for campaign purposes, of public premises, venues and other institutional resources, of public employees and vehicles, or state-owned or controlled legal entities, the offer of public sector employment or social benefits or the increase of salaries or pensions shortly before or during the election campaign period, so as to entice voters.

8.6. Pursuant to Sections 140 and 146 NEA 2012/109 and 110 NEA 2023, a candidate shall be deemed to have committed an election offence if he or she misuses public resources for campaign purposes and, upon conviction by a competent court, shall be sentenced to imprisonment for a term not exceeding one year and/or a fine or both. The imposition of penalties by a competent court does not exclude any administrative sanctions imposed by the NEC which may amount to disqualification in most serious cases.

8.7. The NEC shall have the power to impound or to order the impounding of any state resources that are unlawfully used during the campaign period by a political party.

Section 9 Prohibited Campaign Practices

9.1. Government and/or state employees shall not abandon their normal duties to participate in campaign activities in their official capacity during working hours.

9.2. Any coercion or inducement of government or state employees to participate in campaign activities is prohibited.

9.3. Any political party and/or candidate contesting an election or a referendum, their agents and their supporters shall not intentionally prevent the holding of a public meeting or rally or other campaign activity of electoral contestants.

9.4. Political parties and candidates are prohibited to engage children in any form of election campaign activities and should discourage their supporters from involving children in political rallies and large gatherings.

9.5. One day prior to polling day and until the closing of the polls, political parties, candidates and their supporters are prohibited from conducting or engaging in any campaign activities..

9.6. Distribution or exhibition of campaign materials inside polling stations, or within the vicinity of one hundred (100) meters around, is prohibited.

Section 10 Code of Conduct

10.1. All candidates, political parties and their members shall sign and abide by the Code of Conduct for Political Parties and Candidates developed by the NEC.

10.2. All candidates, political parties and media shall acknowledge the authority of the NEC to monitor the compliance with the Code of Conduct and enforce its provisions and shall cooperate with the NEC in all matters during an investigation for violations of the Code of Conduct.

Section 11 Establishment of a Stakeholders' Forum

11.1. Following the publication of the final lists of candidates for each type of elections, the NEC shall establish:

a) a National Stakeholders' Forum, in the case of elections to the President of the Republic or National Legislative Assembly, composed of three (3) NEC Commissioners one of whom should be the Chief Electoral Officer and chaired by one of them, and one representative per political party and independent candidate nominated by the said political party or candidate.

b) a State Stakeholders' Forum for each state in which elections to the State Legislative Assemblies and Governors are held, chaired by the Head of the state High Committee and composed of two (2) other High Committee members and one representative per political party or independent candidate nominated by them and registered at state level.

c) a Constituency Stakeholders' Forum for each constituency in which elections to the Administrative Legislative Councils, County Commissioners/Mayors and Councillors are contested, chaired by the Constituency Returning Officer and also composed by the Assistant Returning Officer and one representative per political party or independent candidate nominated by them and registered at constituency level.

Section 12 Functions of the Stakeholders' Forum

12.1. The functions of the Stakeholders' Forum at each level shall be:

(a) to attempt to resolve any disputes, matters or grievances relating to the electoral process, in particular any disputes arising from allegations concerning non-compliance with the Code of Conduct for Political Parties and Candidates;

(b) to report and if necessary for the local Stakeholders' Forum, to refer to the NEC or state High Committee any such disputes, matters or grievances relating to the electoral process, and to request the NEC to resolve them;

(c) to present to the NEC or state High Committee any records or recommendations following the settlement of relevant disputes; and

(d) to raise public awareness of and assist in implementing the Code of Conduct for Political Parties and Candidates.

12.2. The decisions of the Stakeholders' Forum shall be taken by majority vote of its members, with the Chair of the Forum having a casting vote in case of a tie.

Section 13

Equal Access to the Media During Election Campaign

13.1. Pursuant to Section 89(2) NEA 2012/82 (2) NEA 2023, all state-owned media shall provide free media services to the NEC for the purpose of distribution among all parties and independent candidates for their campaign activities during the campaign period.

13.2. The NEC shall, in consultation with the media regulatory body and with all political parties and candidates participating in an election, prepare a comprehensive programme to guarantee and regulate the equal access and use of public media for their election campaign.

Section 14

Direct Access Airtime Principles during the Election Campaign

14.1. The following principles must be followed when providing Direct Access airtime to political parties and candidates during the election campaign:

(a) From the official start of the campaign period until one day prior to polling day, all state-owned media broadcasters must provide free Direct Access airtime to candidates and political parties to promote their campaign, in accordance with the programme developed by the NEC.

(b) Airtime slots will be allocated on the basis of equal or equitable access. The state-owned media shall keep public records of free Direct Access airtime allocated to political parties and candidates, so as to ensure transparency and a level-playing field.

(c) Private broadcasters allocating paid airtime must announce their rates and ensure that political parties and candidates have equal access, while are also treated in an equal and non-discriminatory manner.

14.2. Direct Access political messages with audio or video content shall indicate the sponsor. Although the content of the messages will be the responsibility of the political party or candidate, the broadcaster remains responsible for the broadcast as publisher and requires the parties to respect certain standards of legality, accuracy and avoidance of obscene or offensive material.

14.3. Direct Access content that contravenes the standards set by the media regulatory body shall not be broadcasted, following failure of the sponsor to comply with the standards upon notification by the NEC.

14.4. Equitable time requirements shall not apply to content such as news and current affairs programs, which are determined by the journalists and editors on the basis of what is newsworthy and under the principle of accuracy and due impartiality. Such content may include:

- (a) Regularly scheduled newscasts and current affairs analysis;
- (b) Entertainment programs which comprise news and information;
- (c) Documentaries (unless the documentary is about a candidate/party);
- (d) Breaking news coverage, including rallies, press conferences and political debates.

Section 15
Monitoring of Campaign Activities in the Media

15.1. Pursuant to Section 90(1) NEA 2012/82 (2) NEA 2023, the media regulatory body shall monitor the way in which campaign activities are conducted within the media and the behavior of the media during an election or referendum, so as to ensure compliance with the Act and any other applicable law or regulation.

15.2. To fulfill its obligation under the Act of media monitoring, the media regulatory body shall establish, following consultation with political parties and civil society, a Campaign Media Committee at least one hundred and twenty (120) days prior to the day of polling, so as to carry out media monitoring, and shall support its activities.

15.3. The Campaign Media Committee shall include a chairperson, deputy chairperson and five members nominated by the media regulatory body and appointed by the NEC with approval of two-thirds (2/3) of all its members, who shall have professional experience of at least five (5) years as media practitioners. At least 35 per cent (35%) of the members of the Campaign Media Committee shall be women.

15.4. The NEC shall maintain a supervisory role over the Campaign Media Committee and fund it.

15.5. The Campaign Media Committee shall conduct its activities under an established media monitoring methodology that will be published for all stakeholders to be informed, develop standard operating procedures for monitoring the campaign activities in traditional media.

15.6. One week prior to the start of the election campaign, the Campaign Media Committee shall publish a schedule for the allocation of free airtime between political parties and independent candidates subject to approval by the NEC by two-thirds majority.

15.7. The Campaign Media Committee shall submit a detailed report of its findings to the NEC on the first and third Monday of every month, starting 14 days prior to the start of the election campaign and until the declaration of the final results.

15.8. Pursuant to Section 90(9) NEA 2012/83 (10) NEA 2023, the Campaign Media Committee shall be dissolved by an order issued by the NEC.

Section 16
Notification of Campaign Rallies

16.1. Notwithstanding the provisions of Section 2 of this Regulation and the provisions of the Code of Criminal Procedure Act in relation to the conduct of peaceful assemblies, meetings and processions, any political party and/or candidate planning to conduct a campaign rally, assembly, meeting or procession on the public roads, streets or other public places, shall notify the NEC and the National Police Service of the venue and time of any proposed meeting at least 48 hours in advance, so as to enable the Police to make necessary arrangements to control traffic and maintain peace and order as well as to provide security for the event.

16.2. In case of proposed events planned at the same or nearby place at the same time, the NEC (or the state High Committee) shall mediate in order to propose alternative venues and/or time, in order to prevent any conflict. The political parties and/or candidates concerned are obliged to follow NEC's (or state High Committee's) decision.

16.3. All contesting parties and/or candidates shall report to the National Police Service any acts of violence and cooperate with the law enforcement agencies in the relevant investigation.

Section 17 Violations


Political parties, candidates, citizen observer and other civil society organisations and voters may report violations of the campaign rules or regulations to the NEC or state High Committees by using the special form published on the NEC website.

Section 18 Adoption and Entry into Force

This Regulation shall be adopted in accordance with the Second Schedule of the National Elections Act, 2012 (Amendment) Act, 2023, and enter into force immediately upon publication on the NEC's official website.

Signatures of NEC Commissioners adopting this Regulation:

1. Hon. Professor Abednego Akok Kacuol Tong
Chairperson, NEC



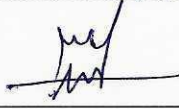
2. Hon. Gabriel Gabriel Deng
Deputy Chairperson, NEC



3. Hon. Hon. Mac Maika Deng
Chief Electoral Officer, NEC



4. Hon. William Kolnyin Deng Deng
Commissioner, NEC



5. Hon. Amos Juma Ochieng Odek
Commissioner, NEC



04/12/2024

6. Hon. Manuel Makum Matuop Thian
Commissioner, NEC



7. Hon. George Lemi Stans Yatta,
Commissioner, NEC

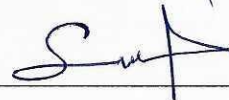


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8. Hon. Thabo Abosuh Ajang Alijok
Commissioner, NEC



9. Hon. Sarah Daniel Gatluak Lul
Commissioner, NEC



Date: 4/12/2024

Annex 1

CODE OF CONDUCT FOR POLITICAL PARTIES AND CANDIDATES DURING ELECTION CAMPAIGN

1. All political parties, their leaders, members, supporters, and candidates shall adhere to the existing laws, rules and regulations pertaining to elections, and shall refrain from activities to individually and/or collectively undermine, flout, disrespect or circumvent them.
2. No political party or candidate shall, at any time before, during or after the election campaign period, resort to the use of inflammatory language or hate speech, provocative actions, images or ideas that incite violence, hatred, contempt or intimidation against another party, candidate or their supporters or any person or group of persons on the grounds of gender, race, tribe, national or ethnic origin, religion, disability, age or sexual orientation or for any other reasons.
3. Political parties and candidates shall try to avoid holding rallies, meetings, processions or demonstrations in the vicinity of each other at the same time. Accordingly, whenever the date, venue or timing of campaign activities of different contestants clashes, their representatives will liaise and cooperate to resolve the issue amicably, without resort to intimidation, force or violence.
4. Political parties and candidates shall ensure that no weapons of any kind are carried or displayed during campaign events, rallies and marches, or at any political event whatsoever and shall not exercise undue influence for the release of persons arrested for carrying weapons or infringing on any law and regulations.
5. Political parties, their agents and/or candidates shall refrain from offering any reward or other inducement to voters or any other person for attending or not attending an election campaign event.
6. No political party or candidate shall prevent other parties or candidates from placing or distributing their campaign materials in authorized public places. Furthermore, political parties and candidates shall instruct their members and supporters not to remove or destroy campaign materials of other parties or candidates. Political parties, their members and candidates shall ensure that their campaign materials are removed from public places when the campaign period ends.
7. Political parties shall discourage their members in governmental or other public positions from using their power of incumbency to the disadvantage of other parties or candidates during the election campaign period.
8. Political parties and candidates shall not prevent members of the press to attend public political meetings and campaign events and shall take all necessary measures to ensure that members of the press are not subjected to harassment, intimidation, threat or physical assault by their members and/or supporters.

Signatures: