

KPFA GUIDELINES FOR HAVING CANDIDATES ON THE AIR

Given that it's election season again, it's time to review the F.C.C. rules for having candidates for elected office on the air. From Chapter 7 of the Public Radio Legal Handbook:

Whenever a legally qualified candidate makes "use" of a broadcast station in a non-exempt program, that station must afford all opposing candidates equal opportunities to air programming that reaches comparable audience size. The obligation is to provide "equal opportunities," not equal time. For example, if one candidate has been given five minutes during peak audience, morning drive time, while an opposing candidate is given five minutes at 1:00 am, the two candidates would have been given equal time, but not equal opportunities to communicate with the public.

A station is not obligated to contact candidates to offer "equal opportunities" after a competing candidate has appeared on the station. The station's obligation is simply to place a record of "use" in its Public File as soon after the appearance as possible. Legally qualified opponents must assert their right to equal opportunities within seven days of the appearance by the first candidate so prompt placement of a record of the appearance in the Public File is critical.

The right of equal opportunities may be exercised by candidates for any state, local or federal primary or election.

The F.C.C. exempts from these requirements any "bona fide newscast," "bona fide news interview" and "bona fide news documentary" and "on the spot coverage of bona fide news events including but not limited to political conventions."

In keeping with the F.C.C. requirements and the general principle of fairness to candidates and to our audience, KPFA has adopted the practice of inviting all candidates for a particular public office onto an interview or other program – not just the "progressive" candidate.

KPFA also removes from the air programmers who have announced their intention or have filed to run for public office and requires them to stay off the air until the election is over. Allowing them to remain on the air would require KPFA to give equal opportunity air time to every other candidate for that public office – requiring much more air time for one particular race than we would otherwise want to devote. Allowing candidates to remain as programmers could also lead listeners to believe that KPFA is endorsing their campaigns.