



KPFA ELECTIONS POLICY

Ahead of any elections for public office, KPFA programmers are subject to rules from the **IRS**, **FCC** and **KPFA** station policy.

KPFA is bound by IRS rules as 501(c)(3) non-profit organization

KPFA is a 501(c)(3) non profit organization and under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.

KPFA programmers must refrain from **endorsing** or **opposing** candidates for public office and from giving exclusive or unequal access to candidates on KPFA's air.

This applies to all on-air staff, including volunteers, paid programming staff, public affairs hosts, news reporters, anchors and music DJs.

Of course, programmers can speak their minds off the air, but on-the-air they have to follow these designated rules and policies.

Do not instruct people how to vote

Do not announce whom you are voting for

Do not give candidates unequal access to KPFA's air

Do not participate in any on-air discussions or interviews about candidates races or ballot measures you have endorsed or campaigns you work on

OFF-AIR, do not use any station resources -- including a kpfa.org email account, KPFA facilities, or KPFA phone lines -- to support or oppose a candidate or ballot measure.

The FCC requires KPFA to report any candidates' appearance on-the-air in its Public File

If you invite candidates for public office on the air, you must report this to the Program Director preferably immediately and definitely within 24 hours of broadcast for inclusion in KPFA's FCC Public File. Report who you had on the air, for how long and about what.

Details from Chapter 7 of The Public Radio Legal Handbook:

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.

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 a 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.

Candidates for any state, local or federal election may exercise the right of equal opportunity.

News reporting is exempted from the FCC requirement of offering equal opportunity and reporting candidates appearances for the public file

The FCC 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".

KPFA Election Policy is More Comprehensive

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

The KPFA Program Director or General Manager may waive this practice when they judge the specific circumstances of a race make it impractical for KPFA to both comply and deliver election coverage in the public interest. This could include an Instant Runoff Voting, or IRV, race with an excessively large number of officially qualified candidates, who are not waging a vigorous or visible campaign. The producer must request a waiver in writing, ahead of time, explaining why, and what criteria they propose to use to distinguish between candidates who will get invitations and those who won't.

It is the KPFA programmer's responsibility to notify the Program Director or Chief Engineer if they intend to have a candidate participate on their show. If the programmer is required to provide equal opportunity to all other candidates, such an appearance

must take place within two weeks of the original program, or less, if election day is within two weeks.

Ballot Measures:

KPFA Programmers who are discussing ballot measures must invite both sides pro/con on the air – not just the representative from one side – and give reasonable notice and opportunity to both sides to appear.

KPFA Programmers Who Run for Office

KPFA removes from the air programmers who decide to run for public office and requires them to stay off the air until the election is over. This applies to all programmers, including music programmers and not just public affairs hosts. Allowing them to remain on the air, even if they don't discuss their candidacy, would trigger the F.C.C. equal opportunity requirement.

Music Shows

The requirements apply to music programs as well as public affairs shows. Some programmers have asked about songs that endorse candidates or parties. Songs are considered artistic statements and are exempt from the rules. But you must not say you agree with the song.

If you have any questions about this, or would like to read up on it further, please contact Aileen Alfandary in the News Department, aileen@kpfa.org