

Montana PBS Debate Participation Criteria

Montana's statewide public television service, Montana PBS, is comprised of KUSM-TV Bozeman and KUFM-TV Missoula, both licensed through their respective university campuses to the Montana University System. Montana PBS presents political coverage and analysis as part of its overall public service and educational mission. During election years, Montana PBS offers programs specifically related to local, state and national elections. Below is a review of Montana PBS's working policies regarding candidate inclusion in such programming.

Our overarching goal is to help inform citizens so they may choose to be involved in their government and the political process. Given Montana PBS's limited resources-financial, managerial, technical, and available air-time-we have created criteria for evaluating candidates. This is not intended to be a fixed set of standards. We are guided by a mix of research (such as polls), professional judgment and citizen input. It should be noted that sometimes there are competing interests regarding election issues: on the one hand, to provide the broadest possible range of ideas, issues, and exposure to candidates; on the other hand, to provide the most useful and meaningful information, which can require selecting among ideas, issues, and candidates. Our purpose is to give service to citizens, not to candidates.

Montana PBS is frequently contacted by candidates requesting air-time or inclusion in a debate or other program. There is sometimes a presumption that the non-commercial nature of public television means that any person, by declaring his or her candidacy, should have open access to voters via Montana PBS. This is not the case. The management of Montana PBS has responsibility for programming in political areas, as in all areas, within the policies established by the Montana PBS Programming Policy. The United States Supreme Court has held that state television networks may continue to exercise journalistic judgment in relation to political debates.

It should also be noted that in most instances Montana PBS programming is driven by our statewide service. Local issues and races may also be included in Montana PBS public affairs coverage and analysis when they affect a broader community, and as part of our commitment to reflect the diversity of the state. As a general rule, Montana PBS does not present local debates or candidate forums.

During each election cycle, Montana PBS public affairs and programming staff will develop specific plans based on the principles contained in this document. We will be consistent in the application of criteria and will specify the criteria being applied before a program is publicly announced and before any candidates have been invited to participate.

Debates

Montana PBS uses commonly accepted criteria for determining whether or not a candidate is included in a debate. No single criterion is paramount. Collectively, these criteria allow Montana PBS to make an informed judgment about a given candidate.

Factors include:

- Is the person a legally qualified candidate as specified by the FCC?

- Has the candidate articulated views on principle issues affecting the electorate? (We do not make judgments as to the "importance" of a candidate's ideas, simply that they have expressed their views in a manner accessible to voters, such as written statements.)
- Does the candidate show at least 10% support in independent polls of the electorate?
- Is there an active campaign? Is there a campaign office, a staff, a phone number? In a major race, is there an office outside of the candidate's home?
- Is there funding apart from the candidate's own resources?
- Is there a discernible way of raising money?
- Is there campaign literature?
- Does the candidate's campaign maintain an updated website?
- Does the candidate's campaign maintain an updated social media presence on a major platform?
- Have other news organizations covered the candidate's campaign?
- Has the candidate met Montana state election laws and Montana Secretary of State criteria for inclusion on the ballot?

It is also important when the debate occurs in a political cycle. For example, early in a campaign, before primaries have been held, there may be a number of active candidates, any one of whom could be a candidate in the general election. At this stage, a debate may well include some or all of these candidates in order to give citizens the broadest possible access as they form their views. However, later in the campaign, it may make sense to limit the number of candidates in a debate to those who will realistically determine the outcome of the election. At this later point, the greater service is giving citizens the most in-depth information possible.

In November 2007, the MUS Office of Legal Counsel provided guidance to Montana State University and The University of Montana, regarding campus debate procedures, in the wake of the *Jones and Kelleher v. Montana University System* lawsuit which was dismissed by the Silver Bow County District Court and ultimately by the Montana Supreme Court. MUS Legal Counsel has advised that these events are limited public forums and that holding a candidate debate does not in itself obligate the campus to include every candidate for that office.

Further, the U.S. Supreme Court has recognized that public broadcasters may exercise their editorial discretion in choosing to exclude candidates from televised debates without violating the candidate's First Amendment rights *See Forbes, 523 U.S. 666 (1998) (Supreme Court affirms decision not to include candidate when candidate's "own objective lack of support, not his platform, was the criterion.")*

As a public broadcaster, Montana PBS has the right to decide if a candidate will be invited to participate in a station-sponsored debate based on Montana PBS's established Debate Participation Criteria.

For inquiries regarding the Montana PBS Debate Participation Criteria, contact:

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Public Affairs Coverage

Montana PBS public affairs programs rely on the editorial judgment of our public affairs staff. Coverage of election issues and candidates as part of our public affairs programming, candidate profiles, live election coverage and regular series is determined using any, all, or none of the criteria above and complies with all FCC regulations. It is expected that Montana PBS staff be able to articulate the reasons and reasoning behind their decisions.

Reasonable Access for Federal Candidates

Montana PBS adheres strictly to the federal regulations in this regard. These regulations do not extend to any non-qualified candidates or races.

Public Service Program

This is a genre of programming that is distinct and different for news or debates. Public service programs are distinguished by a lack of editorial or journalistic involvement. Candidates are simply provided with airtime under varying guidelines of time and format. In presidential election years, Montana PBS will participate in presidential public service programs if they are included in the PBS schedule, but will not use non-PBS offers. For some statewide offices MontanaPBS offers public service programs and will develop appropriate criteria. It is unlikely Montana PBS will expand this to include local elections which are best covered locally.