[ES] Regional Public Broadcaster Breached the Rules on Fair Coverage of Electoral Campaigns

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In October 2000, the Tribunal Supremo (the Spanish Supreme Court) confirmed a resolution of the Junta Electoral Central (the Central Elections Commission) which stated that the Andalusian public broadcaster Empresa Pública de Radio y Televisión de Andalucía ("RTVA") had breached the rules on fair coverage of electoral campaigns.

In May 1999, the Board of Directors of RTVA approved its scheme of political broadcasts for the 1999 local election campaign. The RTVA decided that the free time available to the parties on television and radio during the campaign was to be allocated according to the number of local representatives that each party had achieved in the previous local elections.

The main opposition party in the Andalusian Parliament, the Partido Popular (Popular Party - PP) challenged this scheme before the Elections Commission, as it considered that the allocation criteria established by RTVA, whose Director is chosen by the regional Government, favours the regional Government party, the Partido Socialista Obrero Español (the Socialist Party -PSOE). The PP was of the opinion that the allocation of free time should be made taking into account the number of votes that each political party had received in the previous local elections. According to this criterion, the PP should get 31% of the free time available and the PSOE 33%. However, when the PP filed its complaint before the Elections Commission, the PSOE had obtained 47% of the free time available in RTVA, and the PP just 22%.

The Elections Commission ruled in favour of the PP. The Andalusian public broadcaster RTVA appealed this decision before the Supreme Court, but this appeal has now been rejected, as the Court has finally confirmed that RTVA breached the rules on fair coverage of electoral campaigns.

Sentencia del Tribunal Supremo de 17 de Octubre de 2000, Sala de lo Contencioso-Administrativo, Sección Séptima, recurso nº 220/1999

Judgment of the Supreme Court, Administrative Chamber, n. 220/1999, 17 October 2000

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