[CZ] Pre-Election Broadcasting in Czech Television

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Jan Fučík
Česká televize

In 2013, the Director General of Czech TV issued a Directive that provides guidelines concerning Czech TV's coverage of the period prior to the Czech national parliamentary elections of 25 and 26 October 2013. The Directive provides television stations with general rules for appropriate broadcasting of shows of political interest.

The Directive emphasises, among other things, the principle of „graduated equality", which should be taken into account for the broadcasting of shows covering the election campaign. This principle is based on the results of pre-election opinion-polls. The frequency of occurrence of candidates in political debates is affected by their ranking according to research on public opinion. Further guidelines are indicated concerning public opinion polls and other types of research on public opinion. The Directive stipulates the obligations of television stations to inform about political parties and candidates, and about the time and manner of presenting political discussions.

The Czech Pirate Party, which was unsuccessful in the election, filed a complaint with the Supreme Administrative Court, which challenged the selection procedure of guests in the special edition of Czech TV programmes before the elections, including electoral research. The Supreme Administrative Court rejected this point of the complaint, as well as others, because Czech TV complied with the requirement of diversity of information about candidates in §16(4) of the Election Act. The Procedure of Czech TV in the pre-election broadcasting was legitimate, in accordance with the principle of graduated equality.

The Supreme Administrative Court in its decision held that it considers the principle of graduated equality was correct and Czech TV clearly seeks to meet the requirements of adequacy in determining the temporal proportions among candidates in view of their political and social importance. The Supreme Administrative Court found that restrictions on the number of speakers of parties and movements in the most watched election debates are in line with the principle of graduated equality.

The Court also examined the contracts concluded between Czech TV and pre-election survey agencies. Both the contracts and the research methodologies were in line with statistics standards. The pre-election surveys used by Czech TV

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had been an appropriate tool to obtain statistical information on the current electoral potential.

The principle of graduated equality does not mean that all parties must have equal air time. Czech TV's considerations in the selection of participants for the most important discussions were neither arbitrary nor discriminatory, but on the contrary based on comprehensible reasoning and relevant data.

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http://www.nssoud.cz/files/SOUDNI_VYKON/2013/0142_0Vol_13_20131129084725_prevedeno.pdf

Decision of the Supreme Administrative Court of the Czech Republic

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