

Political Broadcast Checklist 2022

The Political Broadcast Rules for candidates running for political office have been updated. Stations can determine if the Political Broadcast Rules apply by following these guidelines taken directly from the FCC Rules. The Political Broadcast Rules take effect 45 days before a primary election and 60 days before a general election.

Political Office Candidates

To be a political candidate for whom the Political Broadcast Rules apply, the candidate must

- (1) have publicly announced the intention to run for a specific office and declared the office the candidate will run for, and
- (2) be legally qualified to hold that office.

Candidates for Federal Office Must Be Given Reasonable Access

Candidates for Federal political office are entitled to purchase reasonable amounts of time in any/all dayparts.

Political Advertising Rates

Political advertising is to be charged the lowest rate offered to any commercial advertiser for the same class of time and length of advertisement. Even if a political candidate purchases just one or a few ads, the political candidate is to be charged the lowest rate a station charges for any volume buy by a commercial advertiser. Barter (trade-out) and per-inquiry advertising is not to be considered when determining the appropriate political rates.

Ad Agency Discounts

Qualified political advertising purchases earn the customary station's agency discount if the political advertiser provides typical agency services, such as providing recorded announcements, scripts, or other normal advertising agency services.

Payment For Political Advertising

While stations routinely ask for payment in advance for political advertising there are no requirements in the Rules to do so.

Write-In Candidates

Write-in candidates must have qualified for a place on the ballot or have committed themselves publicly to be a write-in candidate, and if a candidate declares himself/herself to be a write-in candidate, the candidate must demonstrate a meaningful showing that they really are truly running for political office.

Activities that indicate a write-in candidate being an actual candidate for office include these.

- (1) Has the candidate set up and does the candidate operate a political campaign headquarters?
- (2) Does the candidate have a campaign website?
- (3) Has the candidate set up and does the candidate operate a campaign committee?
- (4) Is the candidate using social media to publicize the candidacy?
- (5) Has the candidate prepared and is the candidate distributing campaign advertising and press releases?
- (6) Is the candidate making public appearances and making public political speeches?

Stations May Not Censor Political Advertising Content

Stations may not alter or censor political advertising content. Stations cannot be held responsible for the contents of political advertising.

Bona-Fide News Program Appearances By Candidates

Opposing candidates for a political office must be offered an opportunity to purchase equivalent time, however, bona-fide news coverage that may include a candidate for political office does not trigger the requirement to provide equal time.

Political Advertising Must Promote The Political Candidate Or Issue

Political advertising must carry messages on behalf of the candidate's candidacy or in the case of qualifying issue advertising, the issue of concern. Political advertising cannot be used to advertise unrelated, non-political activities, such as a commercial business.

On-Line Political File Records

Stations must make the appropriate on-line political file entries any time they receive a request for political advertising time or rates and any time a candidate purchases advertising time.

Entries are required for candidate inquiries and for inquiries about advertising that would carry a message about any political movement, idea, or issue of nationwide importance.

On-line Public Information Filing of political file entries is to be made as soon as the political file entry is created. Typically this means the same business day or the next business day at the latest. Political file entries must also be made for free use of the station if provided.

When a request for political advertising or rates is received, the station must create a record in the on-line public file that carries the following information.

- (1) The rate the station is charging for the requested advertising.
- (2) A notation of the "class" of time for which rates are requested and/or for which advertising is provided. "Class" of time means any category that determines station rates, e.g., pre-emptible/non-pre-emptible, daypart, day of week, or other category that stations use to derive commercial advertiser rates.
- (3) The times and the dates the advertising is proposed to run and/or the times and dates the political advertising actually did run.
- (4) Whether the request for rates and for political advertising was accepted in full, accepted in part, or rejected.
- (5) The name of the qualified candidate, the name of the political committee authorized to inquire about purchasing political time and/or actually making the political advertising time purchase.
- (5) If a political advertising buy is made, the file entry must contain a list of the officers of the political committee or the names of the members of the board of directors of the committee, and the name, phone number, and address of a person to contact about the political advertising inquiry/buy.
- (6) An indication of whether or not the political advertising contains the name of a competing candidate.
- (7) The name of the qualified candidate, the name of the political committee authorized by the candidate to do business on the candidate's behalf, and the name of the treasurer of the candidate's political committee.

Where To Get More Information

The FCC publication “The Public And Broadcasting” contains much more information about station responsibilities to properly perform political broadcasts. A PDF copy is available for download from <https://www.fcc.gov/media/radio/public-and-broadcasting> . The Public And Broadcasting covers nearly all the issues and concerns stations face in their day-to-day operation, and is a great reference handbook for all station employees.

Disclaimer

This checklist is not a substitute for good legal advice and is not to be taken as legal advice. For legal advice please contact your station attorney. This checklist is an office convenience document solely for the convenience of station personnel. The FCC’s political broadcast rules may be found in the Code of Federal Regulations, Title 47, Section 73. 47CFR73 is found in many places on the Internet, among them, <https://www.law.cornell.edu/cfr/text/47/part-73> and at <https://www.fcc.gov/media/policy/statutes-and-rules-candidate-appearances-advertising> .