



POLITICAL FILES

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BACKGROUND

- Political files are a hot topic for the Commission
 - Recently, the Media Bureau has taken action related to the *timeliness* of uploads for candidate and issue ads
 - Consent Decrees with Big Six radio licensees
 - Consent Decrees with smaller radio licensees
- Media Bureau's goal is for stations to achieve compliance with political file rules

WHAT THIS WEBINAR WILL COVER

- Events that trigger the need to upload
- Info that needs to be uploaded
- Timing
 - When info must be uploaded
 - How long records must be retained
- The mechanics of uploading records to political files
- The consent decrees

PURPOSE OF POLITICAL FILES

- Files provide info about political advertising and candidate appearances
 - Files serve candidates, public, news reporters, media buyers, scholars, etc.
 - Files disclose who is buying time, how much is being spent, what kind of time is being purchased, schedule when ads run, what the ads are about
 - Files provide info about candidate appearances that constitute a “use”
- Online Files are Important
 - Facilitate opposing candidates in seeking Equal Opportunities
 - Make access easier for persons seeking the information
 - Make maintaining records easier for stations

EVENTS THAT *TRIGGER* POLITICAL FILE OBLIGATIONS

- When station receives a *request* for the purchase of airtime that:
 - Is made by or on behalf of any legally qualified candidate (federal, state or local) whether in or out of the LUC “windows,” or
 - Is made by a non-candidate entity (i.e., an issue advertiser, which includes PACS and may include party ads) for an ad that communicates a message relating to “*any political matter of national importance*” (e.g., a legally qualified federal candidate, any election to federal office, and/or a national legislative issue of public importance)
 - FCC will defer to stations’ good-faith judgments about whether a political matter is “national”

Note – a *request* occurs when the station receives a firm order from a political advertiser for a specific schedule, not a broad inquiry for avails and rates

INFO TO UPLOAD – FOR CANDIDATE ADS AND ISSUE ADS THAT INVOLVE A “POLITICAL MATTER OF NATIONAL IMPORTANCE”

- Info about the request and the time sold:
 - whether the request to purchase broadcast time was accepted or rejected by the licensee;
 - the rates charged for the broadcast time;
 - the date and time when the political advertisement was or will be aired;
 - the class of time that was purchased; and
 - the final disposition of the purchase.
- Note - Political files include info about ads and appearances that are broadcast, not those that are only streamed over the internet

INFO TO UPLOAD – *CANDIDATE ADS*

- Info about the candidate and his/her committee:
 - the name of the candidate;
 - the name of the authorized committee of the candidate; and
 - the name of the treasurer of the such committee

Note -- In the case of *free time* that is provided to candidates for appearances that constitute a “use” (for example, an on-air talent who also is a candidate), stations should upload info about the name of the candidate; the office being sought; and the date, time, and other information describing the specific broadcast or program in which the “use” occurred

INFO TO UPLOAD – *ISSUE ADS* THAT INVOLVE A “POLITICAL MATTER OF NATIONAL IMPORTANCE”

- Info about the contents of the issue ad and the sponsor:
 - a list of all political matters of national importance referenced in the ad, including, but not limited to:
 - the names of all federal candidates referenced in the ad;
 - all federal elections referenced in the ad;
 - all pending national legislative issues of public importance referenced in the ad;
 - the name of the person or entity that purchased the advertising time;
 - the name, address, and phone number of a contact person for such person or entity; and
 - a list of the chief executive officers or members of the executive committee or of the board of directors of the sponsor

TIMING – WHEN INFO MUST BE UPLOADED

- The Act and Rules state:
 - Required info must be placed in political files “as soon as possible” meaning “immediately, absent unusual circumstances”
- Media Bureau has *informally* advised:
 - The terms “as soon as possible” and “immediately” mean that records should be uploaded within *one business day* of the date of the request, absent unusual circumstances
- Uploads are *automatically* date stamped
 - With paper files, stations could fudge when they placed materials in folders
 - With electronic records, upload dates are immediately recorded and ascertainable
 - If you delete and replace an incorrect upload, best practice is to note on the uploaded form that it is a replacement for one uploaded on a previous date

TIMING – HOW LONG TO RETAIN

- Records must be retained for no less than two years.
- Stations may purge their political files of older records

FORMS

- FCC does *not* require or endorse the use of any particular form for uploading information
- Stations may use NAB's PB-19 (free to NAB members or available for purchase)
 - Available at [https://www.nabstore.com/Political Broadcast Forms PB 19 p/cp610.htm](https://www.nabstore.com/Political%20Broadcast%20Forms%20PB%2019%20p/cp610.htm)
 - PB-19 contains separate forms for candidate ads and issue ads
 - If filled in completely, they will contain all the information the FCC requires
- Stations are responsible for uploading accurate information to their political files
 - FCC has authority over stations, not agencies or advertisers
 - Best practice for stations is to make sure the forms they receive and upload contain accurate info
 - If advertiser or agency does not provide required info, stations may have to provide the missing info themselves

WHERE RECORDS ARE UPLOADED

- All required records must be uploaded to the appropriate folder and subfolder in a station's online political file
- If records are uploaded to folders and subfolders where they do not belong, persons examining the political file will not be able to find them, thereby frustrating the purpose of having an online political file

HOW TO ADD MATERIALS TO YOUR ONLINE PUBLIC FILE

- If you have not set up your online public file, go to <https://publicfiles.fcc.gov>
 - Click on “Sign on to Owner Dashboard” and fill in your FRN and password. The system will then list the stations associated with that FRN. Click on the one you want and the system will give you a public file passcode.
 - Going back to the opening screen, enter the type of facility (AM, FM or TV), the facility ID and the public file passcode to enter into the system.
 - Click on “Manage Public Inspection File” and then on “Political Files” and then on the folder for the current year
 - Under that you will find categories such as “Federal” “State and Local” or “Issue Ads”
 - Click on the type of information you are uploading
 - The FCC will set up folders for federal, state and some local races. If the election you are adding information about is not listed, you can create a new one.
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ADDING FILES TO YOUR PUBLIC FILE

- Once you have clicked on the folder for the correct race, it will open up folders for the various candidates (or advertisers in the case of issue ads). You can create new folders here as well.
- When you are in the correct folder, click on “Upload Documents” and drag the documents you want to upload in to the box. Click on “Start Upload” and the files will be placed into your online file.
- If you need assistance, the FCC online file help number is 877-480-3201
- For a video demonstration of the entire online public file system, go to <https://www.fcc.gov/news-events/events/2016/06/demonstration-expanded-online-public-inspection-file-interface>

CONSENT DECREES

- Origin
 - Licensees were unable, in their renewal applications, to certify compliance with their public file requirements because of untimely political file uploads (online *political* files are part of each station's larger online *public* file)
 - License renewal applications were placed on hold pending investigation
- Upon signing, Media Bureau agrees:
 - To process pending license renewal applications in the ordinary course (and grant them if they are otherwise grantable)
 - Not to suspend processing of future license renewal applications filed in the current renewal cycle even if they are unable to certify compliance with public file obligations
 - Not to impose any monetary sanctions

CONSENT DECREES (CONT'D)

- Upon signing, licensee agrees to:
 - Name a company official (Compliance Officer) to be a responsible point person for political files
 - Create a manual (NAB may assist) that explains political file requirements
 - Train employees to make them familiar political file requirements
 - Submit two Compliance Reports (in the form of spreadsheets)
 - Covers 30-days leading up to the elections in November 2020
 - Covers 6-month period leading up to the elections in November 2021
 - Report non-compliance with political file requirements to FCC
- Consent Decrees are intended to ensure that stations understand and comply with their political file obligations

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QUESTIONS?

