



# **Association Webinar TV Station Online Political Files**

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# Why are we here?

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- **July 1, 2014** Extension of online political file requirements to all full power and Class A television stations
- Big 4 Affiliates in the Top 50 markets have already been uploading
  - Election season is heating up
  - The public is watching



# A word about July 1

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## What happens on July 1, 2014?

- Extension of online political file requirements to all full power and Class A television stations

## What's changed?

- Requirement to upload newly created political file documents to the online public file on a going-forward basis
- Big 4 Affiliates in the Top 50 markets have already been uploading
- Others were "exempted" from the rule until July 1

## Who is affected?

- All full power and Class A television stations subject to the requirement as of July 1, 2014
- No online public file for LPTV (or for radio)

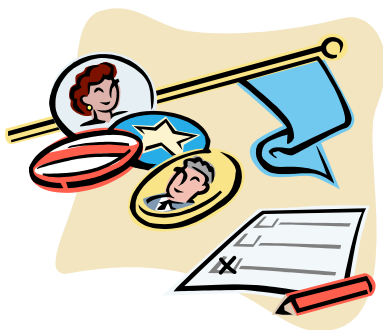
# Political Recordkeeping

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- The online political file requirements do not change underlying political recordkeeping obligations
- Switch to online disclosure makes your records available for access and scrutiny by more people in more places
- **What belongs in the political file?**

# What belongs in the political file?

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- Political disclosure statement
- Candidate advertising records
- National issue advertising records
- State and local issue advertising records

# Political Disclosure Statement

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- Description of each class of time
- Description of the LUC for each class
- Description of method of selling preemptible time
- Approximation of the likelihood of preemption
- Explanation of make good policy
- Explanation of sales practices which affect rates
- Explanation of rotations
- Explanation of discount and value-added packages



# Candidate Advertising Records

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- Documentation of all requests for time (all candidate ads)
  - Whether request is accepted or rejected
  - The rate charged
  - The date on and time at which the ad aired
  - The class of time that is purchased
- Identify relevant candidate and election
- Identify sponsoring candidate/campaign committee
  - Name of candidate and committee and treasurer
  - Name of person/entity making request



# National Issue Ad Records

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- Documentation of all requests for time (ads that “communicate a political matter of national importance”)
  - Whether request is accepted or rejected
  - The rate charged
  - The date and time on which the ad aired
  - The class of time that is purchased
- Identify relevant issue/candidate/election
- Identify sponsoring entity
  - Name of sponsoring entity and list of chief executive officers or members of executive committee or members of board of directors of sponsor
  - Name of person/entity making request (agency)





# National Issue Ad Records

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- Applies to issue ads that communicate a message relating to any political matter of national importance, including references to:
  - A qualified federal candidate
  - A federal election
  - National legislation
- Must include the name of the candidate/election to which the ad refers and/or the issue to which the ad refers (as applicable)
- Be on the lookout for third-party election ads supporting or opposing a candidate

# “Requests For Time”

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- Documentation of all requests for time (candidate or federal issue advertising)
  - **ALL** requests for political broadcast time made by or on behalf of candidates and also for issue advertising discussing political matters of national importance
  - A “request” includes any orders to buy particular schedules, amounts of time, and classes of time for particular days
  - “Licensees are not required to place in their political files general requests by candidates for advertising time stations have available to purchase, or rates for a general array of time.”
  - Does not say “written” only – does your station accept orders by phone?

# State and Local Issue Ad Records

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- For broadcasts of political matter or matter involving a controversial issue of public importance that do not fall within these federal/national categories (e.g., ads concerning local, state, or regional issues), the station must place in the public file only a list of the chief executive officers or members of the executive committee or members of the board of directors of the entity that is paying for or furnishing the broadcast matter
- Not always easy to distinguish national and state/local issues

# Forms and Recordkeeping

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- Use current forms! (e.g., NAB PB-18)
  - Be sure your station's forms solicit all of the required information and set the stage for compliance if used properly and consistently
  - Typically: NAB form, contract, invoice, rebate docs
- Ensure records are complete and accurate
- Your station is ultimately responsible-- Do not rely on agency to provide all the information
- Check the sponsorship ID!
- Consult with counsel

# Using NAB Forms (PB-18)

Programming that “communicates a political matter of national importance” includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to “our next senator”, “our person in Washington” or “the President”); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate “a message relating to any political matter of national importance?”

☐ Yes

☐ No

For programming that “communicates a message relating to any political matter of national importance,” list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

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# Using NAB Forms (PB-18)

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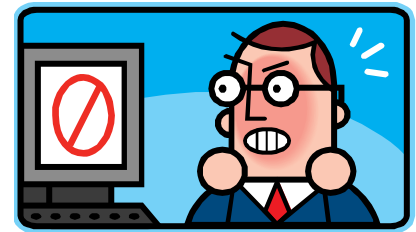
List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

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# Records that should not be uploaded...

Stations should not upload the following records to the online public file:

- ✗ **Copies of checks**
- ✗ **Influence-blocking letters**
- ✗ **Substantiation documentation**
- ✗ **Ad copy**
- ✗ **Inconsistent materials**



# Managing Political File Records

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- Stations must retain political file records in public file for 2 years
- “Immediately” upload to online public file “absent unusual circumstances”
  - “Immediately” applies to “final orders”
  - Reconciliation information may be added to the file at a later date consistent with the station’s business practices (e.g., final billing)
    - Examples: time spots actually aired and details such as make goods, rebates, or credit issues
- Stations should still be prepared to answer questions in person, by email, over the phone upon request



# Making the Switch Online

*What about documents that pre-date the switch?*

- Retain paper copies at the station for 2 years
  - For stations who will be subject to the requirement on July 1, 2014, everything from July 1, 2012 through June 30, 2014 should be kept in paper form at the station
  - For stations that have been subject to the online political file requirement since August 2, 2012, narrow period between May – August 2012 that hard copies should be retained
  - Implications of early compliance?
- And provide public access to requesters in the same manner as traditionally has been done



# Making the Switch Online

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*<https://stationaccess.fcc.gov>*

A screenshot of the 'Facility Sign In' form on the FCC's stationaccess website. The form is white with a blue border. It features a radio tower icon in the top right corner. The fields are labeled 'Facility ID:' and 'Passcode:', each followed by a text input box. Below these is a yellow 'SIGN IN' button. At the bottom, there is a link 'How do I get a passcode?' and a note 'Sign in using FRN and password'.

Same procedure as uploading quarterly issues/programs lists and other public file documents

List of file folders along left-hand side

# Making the Switch Online

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*Wait, but why are there two categories?*

Political Files

Political Matters/Controversial Issues  
Disclosures (73.1212e)

Records Concerning Commercial Limits  
in Children's Programs **30**

The Public and Broadcasting Manual

Time Brokerage Agreements **1**

Download File Archive (.zip)

*Which one should I use?*

# Making the Switch Online


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- Organizing folders by type and election
  - FCC populates folders by year and subfolders dedicated to Federal, State, Local, and Non-Candidate Issue Ads
  - In some of those folders, the FCC has even pre-populated subfolders by the names of certain races
  - Stations are free to organize their political files using additional subfolders and subcategories that are consistent with their own business practices
- “Complete and orderly”
- Political Disclosure Statements

# Making the Switch Online

## PUBLIC INSPECTION FILES

### Political Files

 **What's in here?** *(as required by § 73.3526(e)(6), § 73.3527(e)(5)) (retain for two years)* This file must contain all requests for specific schedules of advertising time by candidates and certain issue advertisers, as well as the final dispositions or "deals" agreed to by the broadcaster and the advertiser in response to any requests. It is not necessary to retain any of the materials relating to the negotiation between the parties to reach the disposition. Finally, the file must include the reconciliation of the deal such as a description of when advertising actually aired, advertising preempted, and the timing of any make-goods of preempted time, a... [Show more](#)


**Browse** → **Political File**

File Name	Size	Type	Date Uploaded	Action
 2012		Folder	--	
 2013		Folder	--	
 2014		Folder	--	

No uploaded documents

# Making the Switch Online

Browse → [Political File](#) → 2014

File Name	Size	Type	Date Uploaded	Action
 <a href="#">Federal</a>		Folder	--	
 <a href="#">State</a>		Folder	--	
 <a href="#">Local</a>		Folder	--	
 <a href="#">Non-Candidate Issue Ads</a>		Folder	--	
 <a href="#">Terms and Disclosures</a>		Folder	--	

No uploaded documents

# Mandatory Back-up Copies

## *What about back-up copies?*

- The FCC requires stations to retain a “mirror” copy of the online political folders either electronically or in paper form

Political Files

Political Matters/Controversial Issues  
Disclosures (73.1212e)

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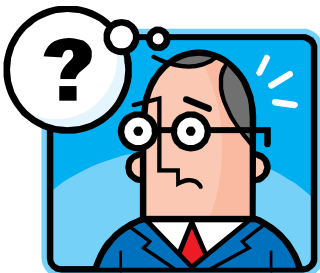
- » Some stations choose to keep paper copies like they always did
- » Some stations download a “mirror” copy from the online public file (and keep track of anything that’s been added since it was downloaded)

# Mandatory Back-up Copies

- Stations only required to make back-up copies available to public if the FCC's online public file system is unavailable... "in rare instances..."

...which do occur from time to time!

- Government shutdown in October 2013
- Occasional FCC database updates
- Station public file goes missing



## FIND A STATION

You may enter a call sign (e.g., WXYZ), network affiliation (e.g., NBC), channel number (e.g., 26), or facility ID number (e.g., 123456).



Your search for **wfcc** could not be found in any stations.



# Technical Upload Issues?

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- Try renaming files
- Try creating a new folder
- Talk to your IT professionals
- Submit a request at FCC Help Desk:  
<http://esupport.fcc.gov/request.htm>
- Call FCC Help Desk: 877-480-3201



# Whom To Call?

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## Questions about the information in this presentation?

Contact us through your Association's FCC Hotline

## Questions about your station's political file?

Contact your communications counsel