

# FAQ

# Political Advertising Handbook

For The Radio Marketing Professional

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This Handbook is provided for general information purposes only and should not be relied upon as legal advice pertaining to any specific situation.

## 1. What is the “lowest unit charge”?

It is the best commercial ad rate on a station. Any candidate who purchases an ad during a pre-election window – starting 45 days before a primary election and again 60 days before a general – is entitled to the lowest price that a station offers to its best advertisers without the candidate having to purchase a package or buy in volume.

## 2. What is “reasonable access”?

It is the right of a candidate for federal office to buy time on a commercial broadcast station. Commercial radio stations cannot turn away any candidate running for federal office (i.e., President, Senate, House of Representatives) and must be prepared to provide federal candidates with some access in all dayparts. However, stations are generally not obligated to provide “reasonable access” to local and state races (e.g., governor, county clerk, city council, sheriff).

## 3. If only federal candidates get “reasonable access,” do only federal candidates get the “lowest unit charge”?

No. Candidates for every public office from President to dog catcher are entitled to the lowest unit charge during the pre-election windows.

## 4. When does a station have to provide “equal opportunities”?

Generally, whenever a candidate “uses” (i.e., makes any “positive appearance”) a station (even if the appearance is not in a political ad), the appearance creates an equal opportunity for the candidate’s opponents to “use” the station for the same amount of time to reach a similarly sized audience. However, opponents must affirmatively assert their equal opportunity right within seven days of the “use” by the first candidate.

## 5. Do all candidate appearances trigger an “equal opportunity” for their political opponents?

No. Candidate appearances on bona fide newscasts, news interviews, news documentaries (where the candidate’s appearance is incidental), and on-the-spot coverage of news events are exempt from the equal opportunities requirements. Also, an appearance in a “negative” ad is not a “use” and therefore would not trigger equal opportunities.

## 6. Do the “reasonable access” requirements apply to noncommercial radio stations?

No. Noncommercial stations do not have to provide reasonable access to federal candidates but if a noncommercial station decides to allow access to one candidate, then the station must comply with the equal opportunity rule for all other candidates for that same office.

## 7. Can a station edit objectionable material from a candidate's ad?

No. Stations are generally prohibited from censoring any "use" of the station by a legally qualified candidate. Stations are, however, automatically protected from any liability associated with the content of a candidate ad.

## 8. Do political ads need to have disclaimers?

Yes. All political ads must have very specific disclaimers in order to provide the public with adequate information about the true identity of who paid for the ad. If a candidate ad refers to the candidate's opponent, the ad must also include a statement by the candidate identifying her/himself and the office sought, and stating that the candidate approved the message. If a candidate fails to comply with this additional requirement, the candidate could lose the entitlement to the lowest unit charge for the remainder of the election.

## 9. Are issue ads by non-candidates entitled to "lowest unit charge," "reasonable access," and "equal opportunities"?

No, but they do still have special disclaimer requirements. Also, if an issue ad includes a positive appearance by a candidate (i.e., a "use"), the ad will still trigger "equal opportunities" for opposing candidates.

## 10. Are there special recordkeeping requirements for political ads?

Yes. Each station must maintain a political file as part of its online FCC public inspection file. The political file must reflect all candidate requests for time, together with a notation showing whether the station accepted the ad, the rates quoted or charged, the date and time on which the spots were aired, the class of time that was purchased and any rebates. The station's online political file must also contain information regarding each request for time by a non-candidate to advertise any political matter of national importance (e.g., ads related to a legally qualified candidate, an election to Federal office, or a national legislative issue of public importance).

## 11. Does a station have to take political ads on election day?

There is no legal prohibition on the sale of political ads for broadcast on election day, but most stations choose not to do so due to the practical impossibility of honoring a demand for equal opportunities from a candidate "use" on election day.