

## Political Guidelines

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This memorandum is intended to provide a brief synopsis of federal laws and Federal Communications Commission regulations concerning political advertising, including changes resulting from the Bipartisan Campaign Reform Act ("BCRA ") that became effective at the beginning of 2004. These laws and regulations impose on the licensees of **all** broadcast stations a number of related, but distinctly separate requirements, under which stations are obligated to:

Fully disclose each station's political advertising policies;

Offer time to political candidates at the "lowest unit charge" during specified periods before primary and general elections;

Provide all legally qualified candidates for federal office with "reasonable access";

Allow "equal opportunities" to all legally qualified candidates seeking the same office;

Air political advertisements without censoring them;

Fully identify the sponsor of all political advertisements; and

Maintain a political file, available for inspection by the public and other candidates.

In addition, federal election law imposes separate sponsor identification requirements and restrictions on electioneering communications of which broadcasters should be aware. Each of these requirements is briefly summarized below.

### **I. Station Disclosure of Political Advertising Policies.**

The FCC's rules require all broadcast stations to disclose to political candidates information about the types of spots and discount privileges offered to their commercial advertisers. The disclosure statement, which is far more extensive than a simple rate card, must be provided to all candidates or their representatives who request information from the station. The disclosure must include a description of all classes of time sold to commercial advertisers (that is, the different types of time that can be distinguished by the extent of the station's right to preempt and/or the rotation characteristics of the spot); the current calculation of the lowest unit charge for each class of time; a description of the privileges associated with each class of time (for example, priorities against preemption and opportunities for timely make-goods); an explanation of how the station sells preemptible time; the likelihood that a spot will be

preempted under each class of preemptible time sold at the quoted lowest unit rate; and, if relevant, a description of the station's sales practices based on audience delivery, such as guaranteed ratings points.

Broadcasters are not required to provide a new disclosure statement each time a candidate or candidate's representative contacts the station. But broadcasters must inform the candidate or candidate's representative of the station's rates and policies when first contacted by a particular candidate and thereafter advise each candidate of any changes in rates or selling practices that may occur during the course of a campaign. Most importantly, the disclosure statement must cover all applicable policies relating to the sale of political advertising and programming, and the station must adhere to the policies disclosed. The FCC has the power to order rebates and impose fines for violations of its political rules. A sample form of a political disclosure statement is included as Attachment A, and we strongly recommend that you send us a draft of your political disclosure statement for review prior to distributing it to candidates.

## **II. Lowest Unit Charge**

Federal law requires that during the 45 days preceding a primary election (or run-off) and during the 60 days preceding a general election, advertising rates charged to "legally qualified candidates," for advertisements that are "uses," may not exceed the "lowest unit charge" provided to commercial advertisers for the same amount and class of time during the same time period.

To take advantage of a station's lowest unit charge, ~ candidates must provide a signed certification affirming that if any political advertisement authorized by the candidate makes a reference to another candidate for the same office, such advertisement includes a statement (which may be textual in the case of a television spot, but must include the candidate's photograph) made by the candidate, identifying the office the candidate is seeking and indicating that the candidate has approved and, if a television spot, paid for, the broadcast advertisement.

Outside the 45-day and 60-day periods, a station may not charge a legally qualified candidate more than it charges other advertisers for "comparable use" of the station. Each of these terms of art is discussed below.

**Legally Qualified Candidate.** To be considered legally qualified for purposes of FCC political broadcasting requirements a candidate must: publicly announce that he or she is a candidate. Filing papers to qualify for a place on the ballot is considered equivalent to a public announcement of candidacy. Generally, a "public announcement" is a sufficiently public event so that there are seldom any questions concerning the candidate's intention.

Meet the qualifications prescribed by federal or state laws for the office, have qualified for a place on the ballot (based on the laws of the state in

which the election will take place) or have publicly announced the intention to be a candidate on a write-in basis, be eligible under applicable law, and have made a "substantial showing" that the candidacy is bona fide. A write-in candidate may make such a "substantial showing" by establishing a campaign headquarters, making campaign speeches, issuing press releases, etc. In states employing party caucuses, conventions, or other nominating procedures rather than primary elections, a legally qualified candidate must make a "substantial showing" of his candidacy and demonstrate eligibility under applicable laws as above; no candidate will be deemed to be legally qualified more than 90 days before the caucus, convention, or other nominating session convenes.

**Uses.** A "use" of a broadcast station is defined as a non-exempt "positive" appearance by a legally qualified candidate where the candidate's voice or picture is readily identifiable. Any voluntary appearance by a candidate on a program that is not an exempt news program for purposes of the "equal opportunities" requirement is also considered a use ~ Section IV, <J[ 2). So long as a candidate's voice is identified or identifiable in a political spot, the lowest unit charge requirement applies to the entire spot -even if the candidate only reads the tag line at the end of the spot. For a program to qualify as a use, however, the candidate's appearance must be "substantial in length" and integral to the program as a whole.

**Time Periods.** The 45 and 60 day periods during which the lowest unit charge applies refer to the dates that political advertisements are actually broadcast. Thus, if a candidate's campaign committee signs a contract on the 50th day before a primary election for the purchase of spots to be broadcast during the 45-day pre-election period, the candidate must receive the lowest unit charge.

**Classes of Time.** The "class" of time refers to each type of spot that a station offers, such as fixed-position, non-preemptible, preemptible with notice, preemptible without notice, and run-of- schedule. Differences between classes of time must reflect some clearly evident benefit to the advertiser/candidate, such as varying levels of preemption protection, scheduling flexibility, or time-sensitive make-good benefits, which are both explicitly defined and applied consistently to all commercial and political advertisers alike. Stations may offer more than one class of preemptible time as long as the differences between classes are based on factors such as the availability of make- goods or different probabilities of preemption and not simply on the rate charged for preemptible spots. The period of time generally refers to the program, daypart or rotation an advertiser buys, for example, Monday -Friday 6 a.m. -10 a.m. or Monday - Sunday 7 a.m. -12 midnight, or evening news, Monday -Friday; in television, the period of time can be as specific as a particular program, or as broad as "prime access."

Calculating the "**Lowest Unit Charge.**" Because most stations sell the majority of advertising time based on individually negotiated packages

that include various classes of time, as well as bonus and discount spots, calculating the lowest unit charge for a particular class and period of time is often a very complex task. Generally, the lowest unit rate is calculated based on the lowest price that any advertiser has paid for the same class of spot that has cleared during the same daypart or time period in the same rate period that the candidate's spot is run.

**Example:** A station sells preemptible time in weekly rotations. A political candidate pays \$200 for a preemptible 30-second spot to run during the station's morning drive program in the third week of the pre-election period. If the station runs a preemptible 30-second spot during morning drive that a commercial advertiser purchased for \$180 per spot, and this is the lowest rate any advertiser paid for preemptible 30-second morning drive spot which actually ran during this week, the station would have to give the candidate a \$20 rebate.

If a station has in effect a contract with a long term advertiser at a rate that is lower than the rate the station is currently charging for spots of the same class and amount of time, the rate under the long term contract will likely be the station's lowest unit rate for as long as the contract remains in effect.

Candidates who are entitled to receive the lowest unit charge must be given all discounts, based on volume, frequency or any other factor, that are offered to a station's most favored commercial advertiser for the same class and amount of time during the same period. For example, if a commercial advertiser purchases spots to run in several different dayparts and the station includes several no-charge overnight spots as a bonus, the station will need to assign a value to the overnight spots and deduct the total value for the overnight spots from the other spots in the package on a pro rata basis. As a result, a station's lowest unit charge for a particular spot could be less than the amount a commercial advertiser actually pays for a spot.

Because the lowest unit rate is based on any paid spot that clears during the relevant period, any "make good" spots that run must be considered in calculating the lowest unit rate. A station does not have to consider the value of trade-out or barter deals or per-inquiry advertising in computing the lowest unit charge. Promotional merchandise or other noncash incentives to purchase advertising need not be accounted for in the determination of a station's lowest unit rates, but these incentives or opportunities need to be made available to candidates on the same basis as they are to any commercial advertisers unless, as in the case of bumper stickers, the association of the station and the politician implies an endorsement by the station, or if the value of the merchandise is de minimis, such as a coffee mug or poster.

The right to the lowest unit rate is "personal" to a candidate; spot announcements in favor of or opposed to referendum issues or other "issue oriented" advertising are not entitled to lowest unit rate charges,

nor are generic announcements designed to turn out the vote for all candidates of a particular party. Stations may charge regular commercial rates for such announcements. The lowest unit rate provision does not apply to "independent" political action committees ("PACs"), even where a candidate's picture or voice appears. Similarly, the appearance of a candidate in a commercial for his local business, although representing a use, would not qualify for lowest unit rate charges, as the spot is not carried in connection with the candidate's campaign. But note that the candidate's opponents are entitled to equal opportunities, if a timely request is made, and they can be charged not more than the lowest unit rate for their spots, regardless of the rate charged for the initial commercial spot. In addition, if a station elects not to sell political advertising time during news programs ~ Section III, Scope of Access), but does sell such time adjacent to news programs, candidates may not be charged more than the lowest unit rate for commercial] advertisers whose spots run during the news program.

Timely Payment of Rebates. Station program logs should be reviewed on a weekly basis during an election period to determine whether any rebates to candidates are required under these principles. These rebates must be made promptly, and the station should make every effort to provide them before the election.

**Special Federal Candidate Certification.** To benefit from a station's lowest unit charge, a federal candidate (that is a candidate in a primary or general election for President, Vice President, U.S. House of Representatives or U.S. Senate) must provide, at the time he or she purchases an advertisement, a written certification to the station that the advertisement will not refer to another candidate for the same office unless the advertisement contains a specific disclosure by the candidate purchasing the advertisement. The contents of this required disclosure are detailed in Attachment B for radio broadcasts and Attachment C for television broadcasts.

If the candidate certification is not made, and a reference to another candidate for the same office is made without the necessary authorization acknowledgement, BCRA provides that the candidate and his or her authorized political committee(s) are denied the right to purchase time at "lowest unit rates" for the remainder of that election campaign. Neither the FEC nor the FCC has announced any regulations implementing these provisions, and broadcasters must therefore use their best good faith judgment in complying with the federal requirements.

To facilitate frequent purchases of advertising time by federal candidates, we recommend that your station obtain a certification from each candidate for federal office signed by the candidate or an officer of the candidate's official campaign committee, at the earliest opportunity, in which the candidate affirms that all spots purchased on the station will comply with BCRA to qualify for "lowest unit rates." A form for this candidate certification is included as Attachment D. Each subsequent purchase will

include a question on the order from requesting a verbal confirmation that the signed certification remains valid and applies to the spots ordered; in this manner, obtaining a candidate's signature with respect to each purchase will not be necessary. However, if the spot turns out not to comply, the candidate will be disqualified from receiving the lowest unit rate on his or her purchases, and can be charged customary commercial rates.

The FCC has not indicated whether a broadcaster has an obligation to review spots placed by federal candidates to determine compliance with the certification. We believe that a station should treat this question much as it would a question of false or misleading advertising - you have no obligation to test the certification in advance of the broadcast of any particular spot unless you receive a complaint or have other cause to do so. (This is different from the requirements concerning appropriate sponsorship identification for political spots, because that is an obligation imposed on the station, and not the politician.) In this regard, since the right to purchase time at lowest unit rates may be seen as extremely valuable, as this aspect of BCRA becomes better known, you may begin to receive complaints from competing candidates or others asserting that a particular spot has violated a certification and disqualified that candidate from entitlement to such low rates. At that point, a request for substantiation of your own review of the spot in question would be appropriate.

### **III. Reasonable Access.**

All broadcast stations are required to sell or otherwise afford a "reasonable" amount of program and spot time to all "legally qualified" candidates for federal office within the area served by the station who request time for a "use." There is no such obligation with respect to non-federal candidates.

Scope of Access for Federal Candidates. Federal candidates do not have the absolute right to have their spots aired at a specific time, although they do have a right of access to all dayparts and rotations. Station sales personnel must work with federal candidates to accommodate their requests. The FCC generally relies on the good faith judgment of licensees in determining how much access is reasonable in a particular situation. In reviewing the reasonableness of a station's provision of reasonable access to federal candidates, the following principles are applicable:

- As a general matter, a station may not, as a matter of policy, reject a request by a federal candidate to purchase the types, lengths, and classes of time normally sold to commercial advertisers, and may not adopt a "flat ban" on purchases or scheduling requests for federal candidates. The sole exception to the foregoing is that a station may impose an across-the-board ban on political advertising during news programming, applicable to all candidates, whether for federal or non-

federal office.

- Stations may establish a separate "news adjacency" class of time for political candidates, but only if this class is sold for not more than the lowest unit rate charged to commercial advertisers during the preceding or succeeding newscast itself.
  
- Prime time and drive time spot announcements must be made available to federal candidates by commercial stations.
  
- A station cannot refuse to make program time available for use by federal candidates during prime time hours on TV or drive time hours on radio, absent unusual circumstances.
  
- In making a judgment whether adequate "reasonable access" has been afforded to a particular federal candidate, a station may consider: the amount of time the candidate has already bought or been furnished, the importance of the political office in question, the number of other candidates in the race, the total number of races which the station must cover, potential programming disruption and, for Congressional races, the degree of overlap between the station's listening area and the voting district. The station may not impose any pre-set limit on the number of spots federal candidates may purchase during a particular hour, day or week, except that a station may refuse to sell time to any candidate during news programming.
  
- Reasonable access must be provided during the 45 days before a primary election and 60 days before the general election. The FCC decides whether access must be provided prior to these periods on a case-by-case basis. As a general rule, once there is a legally qualified candidate for a federal office, the "campaign" is considered underway and candidates are entitled to begin to exercise their reasonable access rights.
  
- State and Local Races. State and local candidates, by contrast, do not have a right to access, and the station therefore is not legally required to sell them any time. Moreover, a station may elect to sell only certain classes of time, at certain time periods, and may impose restrictions on the maximum number of spots sold to any particular candidate during any 'given time period; a station may even decide to accept only spots from candidates for one or more particular state or local races and not for others, as long as all candidates for the same office are treated equally. To fulfill its obligation to serve the public interest, the station should provide some coverage to important state and local races, either

through the sale of time or through news and public affairs programs. If a station covers state or local races solely through news and public affairs programming, these efforts should be carefully documented contemporaneously with their occurrence.

- **Weekend Access.** If, during the year prior to an election, the station has provided access to a commercial advertiser over the weekend to, for example, purchase time or change copy, it must also provide similar access to all political candidates on the weekend preceding an election.
- **Election Day.** Stations have the option either run or not run time for any political candidates on the day of the election, as long as the relevant 45 and 60 day lowest unit rate periods are adjusted accordingly.

#### **IV. Equal Opportunities.**

Federal law requires that a station that permits one legally qualified candidate to "use" the station in any federal, state, or local race must also offer "equal opportunities" to all opposing legally qualified candidates who make timely requests. Equal opportunities means the equivalent amount of time in a daypart or program that normally has a comparable audience, at equal] rates. To be timely, a request for equal opportunity must be made within one week of the first candidate "use" which gives rise to the right to equal opportunity.

Exceptions. The equal opportunities requirement does not apply to candidates' appearances during anyone of the following types of programs: (1) newscasts; (2) news interviews; (3) news documentaries (if the appearance by the candidate is incidental to the presentation of the subject covered by the news documentary); (4) live on-the-spot coverage of news events, including coverage of events such as political conventions, and related activities (e.g., preliminary delegate selection); and (5) candidate debates or presentations that are not used to promote or disparage the candidacy of any particular individual, including debates sponsored by the station.

The station does not need to notify opponents of a candidate's purchase of time on the station or of any other use by a candidate. It is the opposing candidate's responsibility to review each station's political rule or monitor its programming in order to learn of his or her opponent's uses of the station. However, if a station chooses to notify one candidate of an opponent' s purchase of time, it must also notify all other opposing candidates for the same office.

A candidate is entitled to equal opportunities only with respect to those uses broadcast during the seven days preceding the request, and the candidate cannot delay in making an equal opportunities request. For example, if Candidate A has been running announcements on the

station for five weeks and Opponent B requests equal opportunities at the end of the fifth week, Opponent B is entitled to equal opportunities in terms of time, placement and cost with respect to the announcements that Candidate A ran only during the fifth week. To be entitled to request equal opportunities as a result of any of A ' s broadcasts, B must have been a legally qualified candidate at the time of A's use.

Where there are more than two candidates running for the same office, the seven-day rule applies only to the "first prior use." Assume that Candidates A, B and C are all legally qualified candidates for the same office, and a spot purchased by A is broadcast on February 1. On February 5, B requests equal opportunities and runs his spot on February 15. C does not submit his request until February 10. If C was a legally qualified candidate on February 1, C would not be entitled to equal opportunities; even though his request was made within seven days of B's request (and within seven days of B's use), C was required to have made his request within seven days of A's use. This requirement insures that each political use creates only a single right to equal opportunities which must be perfected by a timely request, and that a single broadcast does not give rise to an endless string of equal opportunities demands which must be honored by the station. (If C did not become a legally qualified candidate until after February 1, then his request would need to meet the seven day requirement as to B's use only.)

While a station may propose a special program or devote a particular portion of the day to candidates for various offices, candidates are not required to take part in such programs; a political candidate may still decline to participate and later exercise his right to equal opportunities, assuming the program is not exempt. For example, special programs featuring candidates in a non-debate and non-news conference format would not be exempt under the news event exception and would entitle non-participating candidates to equal opportunities. On the other hand, debates between only major party candidates would qualify for the news event exception and would therefore not entitle minor party candidates to equal opportunities. Minor party candidates do not have a First Amendment constitutional right to be included in debates with major party candidates.

## **V. No Censorship.**

The Communications Act prohibits broadcast licensees from censoring any material broadcast by a legally qualified candidate that constitutes a "use." This statutory prohibition precludes any station from altering not only the candidate's own statements, but also anything else said on a spot or program that constitutes a "use," even if such statements are defamatory. Because of the no-censorship requirement, licensees are not subject to libel actions based on candidates' uses.

However, if a candidate appears in a context that is not a "use," such as an exempt news interview program, or if a candidate runs an ad that

does not qualify as a "use," a licensee may be liable for the broadcast of defamatory, libelous or other unlawful programming and may, therefore, refuse to carry or alter such programming.

A station may not "channel" political advertisements to safe harbor hours (10 p.m. to 6 a.m.) if they believe that any material contained in a candidate's "use" spot is "indecent" under FCC interpretations, i.e., that it contains "patently offensive descriptions of sexual or excretory activities or organs. "

## **VI. Sponsorship Identification.**

Because of the importance that the FCC's rules attribute to sponsorship identification, when advertisements promoting a political candidate or issue are aired, explicit sponsorship identification is ~ required. The announcement must state that the program was "paid for" or "sponsored" and must fully identify the parties paying for broadcast of the advertisement.

Since compliance with the sponsorship identification rules is the station's responsibility, it must ensure that sponsorship information is provided either within a political advertisement or as a separate announcement accompanying it. If a use spot does not contain proper sponsorship identification, stations must request the advertiser to insert one. If the advertiser refuses, the station must put the identification in the spot, and may charge the candidate accordingly.

Unlike other advertisements, mere mention of the name of the sponsoring organization in a political advertisement, without a statement that the broadcast was "sponsored" or "paid for," is never sufficient identification under FCC rules. Furthermore, when the sponsoring party is a committee or group, the announcement must make clear that it is a legal entity, not merely an informal group of individuals.

When a corporation or other organization pays for or furnishes material for broadcast involving a political campaign or a controversial issue, the station must request a list of the officers, executive committee members or directors of the corporation, committee, association, etc. This list must be maintained in the station's political file for a period of two years.

Additional sponsorship identification requirements apply to advertisements that solicit political contributions or advocate the election or defeat of a federal candidate. Such advertisements must include specific disclosures, which vary depending on whether a federal candidate (or the candidate's committee) produced or authorized the advertisement. These disclosures are described in Attachment B for radio broadcasts and Attachment C for television broadcasts. Unlike the other sponsorship identification requirements, it is the candidate's rather than the broadcaster's responsibility to ensure compliance with these

disclosures.

## **VII. Maintaining A Political File.**

Each station must maintain a political file in it~ public inspection file containing a current, complete, well-organized and self -explanatory public record of each request for broadcast time that is made by or on behalf of a political candidate or that "communicates a message relating to any political matter of national importance," including any issue advertisements. In particular, the political file must contain:

- A record of each request to purchase time, and its disposition;
  
- A schedule of the advertising or program time provided to candidates:  
.The exact charges made (or a notation that free time was given); .The class or classes of time sold;
  
- The dates and times the spots actually aired;
  
- Documentation of any rebates paid;
  
- The name of the candidate to which the communication refers and the office to which the candidate is seeking election or the issue to which the communications refers; and
  
- The name of the purchaser, the name, address and phone number of a contact person for the purchaser, and a list of the chief executive officers, board of directors, or members of the executive committee of the purchaser. If the purchaser is the candidate and/or the candidate's authorized committee, the committee treasurer's name must also be listed.

Much of this information has been required by the FCC for many years to be kept and made available for public inspection. As a consequence of BCRA, the same information -including pricing information -needs to be kept and made available for review even for "issue" advertising that relates to "a political matter of national importance." By way of explanation, the statute indicates that these would "include" messages relating to "a national legislative issue of public importance" -meaning "issue" ads addressing abortion or gun control would be subject to these disclosure requirements -and to "any election to federal office" -which would apply to most "soft money" spots and p AC ads concerning Federal elections. The statute also applies to messages relating to "a legally qualified candidate," suggesting that the disclosure rules might also be interpreted to apply even to certain state or local elections if they had "national importance." There are currently no standards to the

statutory requirement; we believe that the FCC will expect licensees to make reasonable, good faith judgments concerning the application of this provision to programming other than traditional political spots purchased directly b)' candidates or their authorized committees. Although the statute requires that the rate charged for such spots be made a part of the disclosure, there is no requirement that such spots be charged "lowest unit rates" or that other similar spots be entitled to the same rates.

Candidates need to be given timely access to political file materials to enable them to exercise equal opportunities rights and determine whether a candidate is receiving equal treatment in spot placement and rates. As a result, all political file information must be placed in the file as soon as possible, which the FCC generally considers to mean immediately. The FCC does not expect stations that generate invoices only on a bi-weekly or monthly basis to create a special document indicating the exact times that political spots aired: however, if the station does not immediately place such information in its political file, it should include in the file a prominent statement that station personnel will assist candidates in determining actual air times. Each item placed in the political file must be retained for two years. In order to ensure that your station gathers all of the required information, you should be sure to complete the attached Candidate Request for Broadcast Time, Attachment E, or Non-Candidate Request for Broadcast Time, Attachment F, for each relevant inquiry.

### **VIII. Electioneering Communications.**

An electioneering communication is any advertisement (1) distributed via radio or television for a fee, (2) which refers to a federal candidate and (3) is aired 30 days prior to a primary election, nominating convention or caucus or 60 days prior to a general election and (4) reaches 50,000 or more persons in a particular Congressional District or State. Advertisers may check to see if an advertisement will reach an audience of more than 50,000 persons in the FCC's audience reach database at <http://gulfoss2.fcc.gov/e.cd> and <http://svartifoss2.fcc.gov/e.cd>. Federal election law bars corporations and labor unions from directly or indirectly funding these electioneering communications. In addition, individuals or groups who make electioneering communications that cost more than \$10,000 in the aggregate to produce and air must comply with specific reporting requirements governed by FEC oversight. Broadcast stations have no specific obligations with respect to advertisements that constitute electioneering communications, but stations will encounter these advertisements and should be generally familiar with the applicable law.

Spots which are subject to these rules must meet general FCC sponsorship identification standards (indicate that the ad was "paid for" or "sponsored by" the party purchasing the spot, and satisfy TV visual identification standards) and must also indicate under FEC rules that the

spot is not authorized by any candidate and specifically identify the purchaser as being "responsible for the content of this advertising".

The rules applicable to political broadcasts and advertising are complicated and, with the implementation of BCRA, becoming more expansive than ever before. If you have any questions regarding any aspect of these rules and policies, please contact Brian Madden (202) 416-6770, Sally Buckman (202) 416-6762 or any other attorney in our office.

## **ATTACHMENT A**

### **CENLA BROADCAST POLITICAL DISCLOSURE STATEMENT**

**Cenla Broadcasting Company Stations ("CENLA BROADCASTING") consists of KQID, KRRV, KKST, KZMZ, KSYL & KDBS**

**KQID, KRRV, KZMZ, KSYL & KDBS are licensed to Alexandria, LA**

**KKST is licensed to Oakdale, LA**

**All are Owned And Operated By Cenla Broadcasting Co. Inc.**

**1115 Texas Avenue**

**Alexandria, LA 71301**

**318-445-1234**

Cenla Broadcasting complies with federal law in selling time to candidates for political office. In accordance with that law, we provide reasonable access to station facilities for all legally qualified federal candidates. However, we reserve the right to determine the non-federal candidates to whom we will sell time. Once time is sold to a federal or non-federal candidate, equal opportunity rights are afforded to all legally qualified opponents of that candidate.

Most rates for both commercial and political advertising time sold on Cenla Broadcasting Stations are arrived at on an individually negotiated basis. Individually negotiated spot packages are equally available for purchase by political candidates. Negotiated buys, for example, include spots in a number of different rotations or day-parts and combinations of different classes of spots. A description of various classes of advertising time offered to commercial advertisers is provided below. Rates for most classes of time vary on a [daily] or [weekly] basis, based upon supply

and demand. During the 45 day period before a caucus, primary or primary run-off election and the 60 day period prior to a general election, the ultimate charge provided to eligible political candidates purchasing spots for "uses" - that is, spots purchased on behalf of a candidate containing a positive appearance by a candidate in which the candidate's voice is readily identifiable --will in no event exceed the lowest price paid by any other advertiser for spots of the same class and length and for the same daypart or rotation which actually run during the same rate period as the political spots. A legally qualified Federal candidate will be eligible to receive the lowest unit rate only if the candidate provides to Cenla Broadcasting , the written certification required under Section 305 of the Bipartisan Campaign Finance Reform Act of 2002 ("BCRA"), and adheres to that certification throughout the campaign. At times other than the 45 and 60 day pre-election periods, candidates will be charged rates comparable to those charged to commercial advertisers, and will receive the same opportunities to negotiate individual packages that commercial advertisers receive. The lowest unit rate policies do not apply to "soft money" announcements (announcements not endorsed or sponsored by the candidate but rather by a third party) or for any form of "issue" advertising.

In accordance with FCC rules, eligible candidates will receive all discount privileges available to commercial advertisers, and will be provided with rebates for any overcharges, before the election when possible. The lowest or comparable rates for specific classes of time and rotations in which a candidate is interested will be provided upon request to General Manager at Cenla Broadcasting , 1115 Texas Avenue, Alexandria, LA 71301, telephone: (318) 445-1234. The precise lowest unit rate may not be determined until after particular spots have aired. Lowest unit rates provided to eligible candidates in advance represent the station's best good faith estimate of such rates, although the final rates may vary, in which event rebates will be provided if appropriate.

1. Immediately Preemptible Spots Aired During Specific Rotations. These spots are not guaranteed to run, and may be preempted without notice. These spots are sold to commercial advertisers with the understanding that they will run, unless the station sells out its inventory in a particular rotation or day-part. Accordingly, the probability of clearance varies constantly based on supply and demand. Whether a spot will be preempted depends on the price of a spot, length of a flight, and make-up of the schedule purchased. Cenla Broadcasting sells immediately preemptible spots for the following dayparts and rotations: <to be listed inside political window>

Cenla Broadcasting will also negotiate rotations other than those listed above, including narrower dayparts, based on the request of the advertiser. Advertisers may also purchase spots within particular programs. Immediately preemptible rates for these day-parts and for particular programs are subject to change on a daily basis, based upon supply and demand. During lowest unit charge periods, political

candidates will be provided with the lowest rates for immediately preemptible spots for the specific dayparts and rotations in which candidates express interest. At other times, candidates will be provided with rates comparable to those received by commercial advertisers for immediately preemptible spots for rotations and dayparts in which candidates express interest. Because rates and clearance probabilities for these spots change frequently, candidates should contact us to receive the current rates when placing a buy. During lowest unit rate periods, Cenla Broadcasting will not preempt eligible political spots except in cases of unforeseen program changes or technical interruptions. At other times, candidates will receive treatment comparable to that received by commercial advertisers with respect to preemption.

2. Nonpreemptible Spots. Commercial clients often refer to this class of time as the "fixed rate." Candidates may purchase spots at these rates and be guaranteed that the commercials will air as ordered except for technical problems reasonably outside the control of Cenla Broadcasting (machine failures, power outages, sports over-runs, etc.) or acts of God.

During time when the available supply of commercial time is exceeded by demand for commercial time, spots purchased at these rates will preempt spots purchased at the preemptible rates even if the preemptible rate is higher than the nonpreemptible rate. Cenla Broadcasting reserves the right to raise its rates for nonpreemptible spots for commercial advertisers as market demand dictates, but rates for nonpreemptible spots will not be raised for eligible political candidates during the lowest unit rate period.

3. BTA/ROS (Best-Times-Available/Run-Of-Schedule Spots). BTA/ROS spots are scheduled after all other spots have been scheduled to run during the rotation identified. BTA/ROS spots are not guaranteed to run in any particular daypart. We offer BTA/ROS spots in a variety of rotations, <To be listed when in political window>. They are scheduled by computer, based on the station's avails. During lowest unit charge periods, eligible political candidates will be provided with lowest rates for BTA/ROS spots for the rotation in which the candidates express interest and Cenla Broadcasting will not preempt such spots except in the event of unforeseen program changes or technical difficulties. At other times, candidates may purchase BTA/ROS spots at rates comparable to those received by commercial advertisers and will receive treatment comparable to such advertisers with respect to preemption. Cenla Broadcasting attempts to provide make-goods for BTA/ROS spots, but due to inventory constraints, cannot guarantee that such spots can be made good. However, make-goods will be provided to eligible political candidates. Lowest unit and comparable rates for BTA/ROS spots will be provided upon request.

4. Package Plans. Cenla Broadcasting offers individually negotiated packages that may include, for example, combinations of spots in

various dayparts, bonus and discount overnight and/or BTA/ROS spots. Sponsorship packages, which would imply relationship between the station and a candidate, are not available to political candidates. In addition, non-cash incentives of de minimis value or which would imply a relationship between the station and a candidate, which may be available in some package plans, are not available to candidates. All other packages that are made available to commercial advertisers are available to political candidates. However, the lowest unit rate for all dayparts and rotations is calculated to reflect all package discounts to ensure that eligible political candidates receive the lowest unit rates for all spots scheduled to air during lowest unit charge periods regardless of whether they buy an entire package.

5. Make-Goods. Cenla Broadcasting will make every effort to provide "make goods" spots prior to the election for spots purchased by eligible political candidates that are in fact preempted because of unforeseen program changes or technical difficulties. Although the station's policy is to offer all eligible political candidates make-goods prior to the election, we cannot guarantee to any advertiser that the make-good can be provided during the daypart or rotation originally purchased. If that is not possible because of inventory constraints, the station will offer make-goods of equivalent value. If these are not acceptable to an advertiser, the station will provide credits or refunds for preempted spots.

6. Newscasts. As provided by the FCC, sponsorships of Cenla Broadcasting newscasts or spots within newscasts are available to political candidates.

7. Available Spot Lengths. Typically, Cenla Broadcasting sells 30-second and 60-second spots. There is rate distinction made between 30-second and 60-second spots. Prices for spots of lengths other than 30- and 60-seconds may be individually negotiated.

8. Sponsorship Identification. All spots must comply with the sponsorship identification requirements of Section 317 of the Communications Act and Section 311 of BCRA. If use spots do not contain the identification required under the Communications Act, we reserve the right to add appropriate identification and to bill the candidate for any production costs incurred by the station.

9. Rebates. If we sell advertising time to a eligible political candidate for a "use" during the prescribed "lowest unit rate" periods for a particular amount and class of time at a rate in excess of the rate charged another advertiser for the same amount and class of time in the same time period which clears as scheduled, the Station will afford the candidate the benefit of the lower rate by means of a rebate, a credit against future purchases, or a refund of the difference, as determined by the candidate. No adjustments will be made for purchases not subject to the "lowest unit rate" requirements.

10. Value Added Features. If scheduled during the prescribed lowest unit rate periods, eligible political candidates may purchase spots with value-added elements in conjunction with airtime on the same terms as offered to commercial advertisers, including non-cash promotional incentives, unless the nature of the promotional incentive is de minimis (such as coffee mugs or other give away items) or might imply an endorsement by or other relationship with the station, in which case such promotional features are not available to political candidates. "Billboard" or program sponsorship arrangements are not available to political advertisers. Details will be provided upon request.

11. Credit Practices. We require all new advertisers and all advertisers in volatile businesses or those whose operations are intermittent or of limited duration, including political candidates, to pay for all spots in the form of certified or cashier's check, money order, Wire transfer or cash in the full net amount of the schedule being ordered in advance of the schedule's commencement. All payments must be received by Cenla Broadcasting no later than 48 hours prior to air date.

12. Receipt of Materials. All tapes must be received by the Cenla Broadcasting Traffic Department no later than 24 hours prior to airdate. Production for schedules commencing on Saturday, Sunday or Monday must be received no later than noon on the Friday prior to airdate. Cenla Broadcasting cannot guarantee make-goods for schedules which do not air due to a delay in receipt of tapes.

## **ATTACHMENT A /CERTIFICATE OF DISCLOSURE**

CANDIDATE:  
REPRESENTATIVE (if applicable):  
METHOD OF DISCLOSURE (check any that apply):

By telephone to \_\_\_\_\_ (person's name) on \_\_\_\_\_ (date).

Mailed to \_\_\_\_\_ (person's name) on \_\_\_\_\_ (date).

By facsimile to \_\_\_\_\_ (person's name) on \_\_\_\_\_ (date).

In person to \_\_\_\_\_ (person's name) on \_\_\_\_\_ (date).

By e-mail \_\_\_\_\_ (person's name) on \_\_\_\_\_ (date).

ACCOUNT EXECUTIVE (initials) \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ (Candidate or Representative)

DATE: \_\_\_\_\_

## **ATTACHMENT B**

### **RADIO SPECIFIC DISCLOSURE REQUIREMENTS**

#### Candidate Certification:

If the advertisement, which qualifies as a "use," refers to an opposing candidate it must include at the end:

- An audio statement voiced by the candidate that (1) identifies him or herself, (2) discloses the office being sought, and (3) states that the candidate has approved the broadcast.

#### Sponsorship Identification:

If an announcement advocating the election or defeat of a federal candidate or soliciting any political contributions is produced or authorized by a federal candidate (or the candidate's authorized committee), it must include:

- An audio statement voiced by the candidate that (1) identifies him or herself. (2) discloses who paid for the broadcast (in most cases the candidate or the candidate's committee), and (3) states that the candidate has approved the broadcast.

If an announcement advocating the election or defeat of a federal candidate or soliciting any political contributions is not produced or authorized by a federal candidate (or the candidate's authorized committee), it must include:

- An audio statement disclosing that no federal candidate authorizes the announcement.
- The statement: " \_\_\_\_\_ is responsible for the content of this advertising," where the blank is filled in with (1) the name of the political party, committee, or person paying for the broadcast, (2) the name of any connected organization of the payor, and (3) the permanent street address, telephone number or web address of the person who paid for the announcement.

## **ATTACHMENT C**

### **CANDIDATE CERTIFICATION FORM**

I, \_\_\_\_\_, hereby certify that the programming to be broadcast on station \_\_\_\_\_ will comply with the requirements of the Bipartisan Campaign Finance Reform Act of 2002. Specifically, I certify that the programming \_\_\_\_\_ does not refer to an opposing candidate or \_\_\_\_\_ does refer to an opposing candidate but contains the mandatory disclosure statement. If

a radio broadcast, this mandatory disclosure consists of an audio statement voiced by the candidate that (1) identifies him or herself, (2) discloses the office being sought, and (3) states that the candidate has approved the broadcast. If a television broadcast, the mandatory disclosure consists of a photographic or similar image of the sponsoring candidate that occupies at least 80 percent of the vertical screen height for a period of no less than four seconds, and a simultaneously displayed clearly legible printed statement that (1) identifies the candidate, (2) discloses that the candidate (and/or the candidate's authorized committee) has paid for the broadcast, and (3) states that the candidate has approved the broadcast.

Signature of Candidate or Authorized Committee:  
Printed Name of Candidate or Authorized Committee:  
Dated:

## **ATTACHMENT D**

### **CANDIDATE REQUEST FOR POLITICAL BROADCAST INFORMATION OR TIME**

Date of Request:  
Time of Request:  
Candidate Name:  
Party:  
Candidate for: (Office) (Location)  
Candidate's Authorized Committee:  
Treasurer or Candidate's Authorized Committee:  
Address:  
Telephone:  
Agency for Candidate (if any):  
Name of Person Requesting Information/Time:  
Information Requested:  
Rates for:  
Availabilities for:  
Other:  
Disposition or Request:  
Accepted Rejected Accepted or Rejected in part (attach explanation)  
Rate Charged for Spot:  
Class or Time Purchased:  
Air Date and Time (attach a schedule or the advertising or program time provided, if necessary):  
Rebate Paid (if any):  
Disclosure Statement Provided by Station: Yes No Previously provided  
Certificate (for Federal candidates only) Provided: Yes No Previously provided  
Other Information:  
Inquiry Received By:

## **ATTACHMENT E**

### **NON-CANDIDATE REQUEST FOR POLITICAL BROADCAST INFORMATION OR TIME**

This form must be completed for all requests for broadcast time made by anyone seeking to broadcast a message that refers (a) to a legally qualified candidate, (b) to any election to federal office, or (c) to "a national legislative issue of public importance" or a "political matter of national importance (i.e. an issue advertisement). The form must be placed in the station's public inspection file for a period of two years.

Date of Request:

Time of Request:

Candidate Named in Spot:

Party:

Candidate for: (Office) (Location)

Issued Referred to:

Name of Organization:

Name of Contact Person:

Address:

Telephone:

Chief Executive Officers, Board of Directors, or Members of the Executive Committee of the

Organization (attach a list, if necessary):

Agency for Organization (if any):

Name of Person Requesting Information/Time:

Information Requested:

Rates for:

Availabilities for:

Other:

Disposition of Request: Accepted Rejected Accepted or Rejected in part (attach explanation)

Rate Charged for Spot:

Class of Time Purchased:

Air Date and Time (attach a schedule of the advertising or program time provided, if necessary):

Date Public File Report Prepared: \_\_\_\_\_, 2004.

Other Information:

Inquiry Received By: