



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU ACTION

ELECTIONEERING COMMUNICATIONS DATABASE

The Media Bureau hereby announces the creation of the Electioneering Communications Database. It will be available on the Federal Communications Commission's website at <http://gullfoss2.fcc.gov/eccd> or, alternatively, <http://svartifoss2.fcc.gov/eccd>, starting February 3, 2004. The database was created pursuant to Section 201 of the Bipartisan Campaign Reform Act of 2002 and Sections 100.29(b)(6) and (7) of the Federal Election Commission's Rules. It enables a user to determine whether a communication sent via a broadcast station, cable system, and/or satellite system can or cannot reach 50,000 or more people in a particular Congressional District or State. If the communication can reach 50,000 or more people in a particular Congressional District or State, it may qualify as an "electioneering communication," as defined in Section 304 of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 434, which requires that every person who spends more than \$10,000 on an electioneering communication (which does not include a communication purchased by a candidate) during any calendar year file a statement with the Federal Election Commission that includes certain information regarding the communication. In addition, pursuant to Section 316 of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 441b, certain entities are prohibited from paying for electioneering communications.

The information in the Electioneering Communications Database is current as of November 2003 and will remain unchanged through the end of the 2004 election cycle in November 2004. Pursuant to Section 100.29(b)(6)(i), if the database "indicates that a communication cannot be received by 50,000 or more persons in the specified Congressional District or State, then such information shall be a complete defense against any charge that such communication constitutes an electioneering communication..." Pursuant to Section 100.29(b)(6)(ii) of the Federal Election Commission's Rules, 11 C.F.R. § 100.29(b)(6)(ii), if information for a particular media outlet is not available in this database, it shall be a complete defense against any charge that a communication can reach 50,000 or more persons when the maker of the communication:

(1) reasonably relies on written documentation obtained from the subject media outlet that the communication cannot be received by 50,000 or more persons in the specified congressional district or State;

(2) does not publicly distribute the communication on a media outlet located in any Metropolitan Area in the specified congressional district or State; or

(3) reasonably believes that the communication cannot be received by 50,000 or more persons in the specified congressional district or State.

If users have questions regarding the database, they can contact the Federal Communications Commission via e-mail at campaignlaw@fcc.gov. If they have questions regarding the rules upon which the database is based, they can contact the Federal Election Commission by calling 1-800-424-9530, pressing 1, then 3, or calling 202-694-1100.

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