



# PUBLIC NOTICE

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## MEDIA BUREAU PROVIDES GUIDANCE ON ENTITLEMENT TO LOWEST UNIT CHARGE FOR POST-ELECTION POLITICAL ADVERTISING

In response to inquiries from members of the communications bar on behalf of a large number of broadcast licensees, the Media Bureau herein provides guidance as to whether broadcast radio and television stations are obligated to provide the lowest unit charge for post-election political advertising by or on behalf of contenders in races for which final results of the election remain pending.

Section 315(b)(1)(A) of the Communications Act of 1934, as amended, bestows upon individuals running for public office an entitlement to the lowest unit charge for political advertising in the days preceding an election.<sup>1</sup> Specifically, the statute establishes a window “during the sixty days preceding the date of a general ... election” when the lowest unit charge is available to a candidate.<sup>2</sup> Although the term “election” is not defined in Section 315, we interpret this term for purposes of the 2020 election to mean November 3, 2020, the election date designated by federal law.<sup>3</sup>

Thus, even where the results of an election remain pending, broadcast stations are under no obligation to provide lowest unit charge after November 3, 2020. Stations are reminded that for any ad on behalf of a legally qualified candidate or communicating a message relating to any political matter of national importance, the station must upload a record of the request to its online political file, pursuant to section 315(e) of the Communications Act of 1934, as amended.<sup>4</sup>

For further information, please contact Robert Baker, Media Bureau, at [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov); Gary Schonman, Media Bureau, at [Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov); or Sima Nilsson, Media Bureau, at [Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov).

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<sup>1</sup> See 47 U.S.C. § 315(b)(1)(A) (“during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate”). The obligation to provide this entitlement is applicable to broadcast stations (*see* 47 CFR § 73.1212 *et seq.*); cable television systems (*see* 47 CFR § 76.5 *et seq.*); and direct broadcast providers (*see* 47 CFR § 25.701 *et seq.*). The guidance provided herein applies to all such services.

<sup>2</sup> 47 U.S.C. § 315(b)(1)(A).

<sup>3</sup> See 2 U.S.C. § 7; 3 U.S.C. § 1.

<sup>4</sup> 47 U.S.C. § 315(e).