

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS,  
CONCURRING**

Re: *Complaints Involving the Political Files of WCNC-TV, Inc., licensee of Station WCNC-TV, Charlotte, NC, et al.*, Memorandum Opinion and Order.

As I've previously noted, the rules surrounding paid political speech are of particular importance to our democracy.<sup>1</sup> When it comes to political advertising, we should do everything in our power to ensure that Americans are not confused or misled by content attempting to influence them. This goes to the heart of how people exercise their right to vote and participate in the political process.

I concur with the Commission's efforts to clarify our political file rules in this item – and to do so in a way that, largely, makes known that broadcasters should err on the side of disclosing more about the political advertisements that they air, rather than less. With the next election season already underway, and increasing threats impacting the quality of information that Americans receive about candidates, the need for transparency in political advertising has never been more critical. The clarifications offered in this *Memorandum Opinion and Order* provide additional guidance to broadcasters on their recordkeeping obligations and, for the most part, strengthen disclosure requirements for political messages on the airwaves.

However, while today's action will help ensure that broadcasters will no longer have any excuse for not complying with our rules, I must concur because I believe that parts of our interpretation of the statute in this item are flawed. As a matter of statutory construction, reading the word "federal" into section 315(e)(1)(B)(i) to modify "legally qualified candidate" where Congress explicitly excluded it is not legally sound.<sup>2</sup> Counter to the majority's reasoning, I see no reasonable basis to strictly limit our statutory interpretation of "a legally qualified candidate" to a candidate seeking federal office. The requirement in section 315(e)(1)(B) to disclose political advertising that relates to "any political matter of national importance" is a broad one, and we should not give the impression that we are limiting it in this manner.

In any event, with the clarifications issued here, broadcasters are now fully advised of the Commission's expectations for their political files and should now understand that minimal or incomplete disclosures will likely violate our rules. I expect that these clarifications will increase the quality of political files, making them more valuable tools for those engaged in our electoral process.

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<sup>1</sup> See *Cumulus Radio LLC et al.*, Notice of Apparent Liability for Forfeiture, FCC 19-70, at 13 (Aug. 6, 2019) (Dissenting Statement of Commissioner Geoffrey Starks).

<sup>2</sup> See *Jama v. Immigration and Customs Enforcement*, 543 U.S. 335, 341 (2005) ("We do not lightly assume that Congress has omitted from its adopted text requirements that it nonetheless intends to apply, and our reluctance is even greater when Congress has shown elsewhere in the same statute that it knows how to make such a requirement manifest.").