



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

Did the FCC Change the Political File Record Keeping Requirements?

On January 6, 2017, the FCC's [Media Bureau released two orders](#) (the "Orders") clarifying certain online political file recordkeeping requirements. The Orders were in response to complaints filed by public interest organizations against various stations regarding their political file recordkeeping practices. We anticipate that, given the breadth of the Media Bureau's Orders and the impact that they could have on stations during an election season, the full Commission may well review and reconsider the Orders.

The Media Bureau's Orders address a number of recordkeeping practices for issue advertising (i.e., non-candidate political ads), including (i) listing the name of any applicable candidate, election, or national legislative issue of public importance referenced in an ad (and whether the rules can apply to references to state candidates), (ii) whether an issue constitutes a "national legislative issue of public importance," (iii) listing a sponsoring organization's chief executive officers, board members, or member of the executive committee, and (iv) the use of certain acronyms for sponsoring organizations.

If the FCC reconsiders the Media Bureau's Orders, it may vacate or modify them. Soon, we will provide a more detailed discussion of the Media Bureau's "clarifications" so that stations are aware of how the Media Bureau has interpreted the specific recordkeeping requirements at issue.

If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Stephen Hartzell, Editor

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