



Virginia Association of Broadcasters Legal Review



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Special Political Advertising Update

NAB's New Political Broadcasting "PB-19" Forms Now Available

As broadcasters are well aware, the FCC's rules require each station to maintain in the "political file" folder of its online public inspection file certain records concerning all requests for political broadcast time made by or on behalf of candidates and certain issue advertisers. The specific rules regarding recordkeeping (including the required content of the records) differ slightly depending on the nature of the purchaser of the advertisement and the subject of the advertisement.

To help broadcasters comply with their political file recordkeeping obligations as the 2020 election cycle heats up, the National Association of Broadcasters ("NAB") has released an update to its long-standing political file recordkeeping forms. The new forms—which are referred to as the "PB-19" forms and replace the PB-18 forms—can be downloaded by NAB members for free. The PB-19 forms are also available for purchase by non-NAB members. In significantly updating its forms, the NAB's PB-19 forms represent an effort to streamline the forms and make them more user-friendly.

Please note: The NAB initially released its PB-19 forms around February 14, 2020, but the PB-19 forms underwent some further revisions in the last ten days or so. Accordingly, **even broadcasters who downloaded the PB-19 forms earlier this month should re-download the forms to ensure they have received the updated versions of the PB-19 forms.**

Additionally, the PB-19 forms have been designed to address the political file recordkeeping "clarifications" as set forth by the FCC in its Political File Clarification Orders released late last year (the "Clarification Orders"). Although, as we have previously written, several parties have asked the Commission to reconsider the Clarification Orders, for the time being broadcasters are bound by the rules as the FCC interpreted them in the Clarification Orders. Thus, the PB-19 forms solicit the political advertising information that broadcasters are required to provide pursuant to the Clarification Orders. That information includes, for third-party advertisements relating to a federal candidate, federal election, and/or national legislative issue of public importance, identification of *all* political matters of national importance referred to in the advertisement, as well as a list of *all* of the chief executive officers or members of the executive

committee or board of directors of the advertiser or sponsor. For more information about the Clarification Orders, please refer to our legal memoranda from October 2019 on the topic.

Broadcasters who are NAB members may wish to [log in](#) to the NAB's member website and download the new PB-19 forms via the "Member Only Resources" tab. Broadcasters who are not NAB members may wish to purchase the PB-19 forms. Regardless, the release of the PB-19 forms serves as a good reminder to broadcasters of the importance of making sure all relevant station staff understand their roles in the political advertising process, including the regulations relating to the upload of all required information to the online political file in a timely manner.

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