

### Political Broadcasting for Noncommercial Educational Stations (NCEs)

- Section 399 of the Communications Act states that: “No noncommercial educational broadcasting station may support or oppose any candidate for political office.”
- Our hosts, producers, staff and management represent the station and the foundation when they are broadcasting over-the-air. They are restricted from having on-air opinions about candidates running for office.
- Guests unaffiliated with the station or the foundation can have on-air opinions about candidates. Overuse of guests repeatedly advocating for the same candidates or political issues associated with a candidate could become a problem.
- On-air appearances of candidates running for office are permitted on bona fide news shows (which include public affairs programming) without having to file political reports.
- An appearance of a candidate running for office on a non-public affairs show would require a political report to be submitted to the public file within a day or two of the airing of the show. An on-air appearance by a Legally Qualified Candidate running for office is considered a “use,” if the appearance is not a bona fide news event or broadcast. “Uses” can trigger Equal-Time Requests; then the station MUST provide comparable airtime for any other candidate that requests airtime.
- Disclaimers are a good idea to air before all public affairs programming, especially if a candidate appears on a show, e.g.: “The views, thoughts and opinions expressed during this show belong solely to (insert program’s name) and do not necessarily represent those of (insert station name), or the Pacifica Foundation.”
- Legislative Issues: IRS Restrictions. Charitable organizations are prohibited from devoting a "substantial part" of their activities to "influence legislation." See 26 U.S.C. §501(c)(3). Melodie Virtue of Foster Garvey has stated that this includes “any grass roots lobbying” and that to remain safe, a station would need to keep any type of political lobbying broadcasts to less than 10% of total programming.

### Guidelines on What to Avoid as an Organization

- No on-air endorsement of candidates.
- No on-air issue(s) advocacy that functions as one of the above.  
An example from Melodie Virtue: “Using the term 'The Wall' is synonymous with Trump. I would recommend against having hosts say directly 'I am opposed to the wall.' They [on-air hosts] could criticize him in a news context, e.g. 'We hear that these kids died from lack of medical care because they weren't treated properly in these holding facilities'.”
- No On-Air statements for or against a candidate by Hosts, Producers, Staff or Station Management. That includes on-air shows that support or criticize a candidate’s positions or policies.

### In addition, “THE STATION” CANNOT DO any of the following actions:

- No contributions to candidates or political action committees (PACs). This applies to the organization, not management, staff, or programmers as private citizens.
- No distributions of materials that support or oppose a candidate. This applies to the organization, not management, staff, or programmers as private citizens.
- No partisan political use of corporate assets. This applies to the organization, not management, staff, or programmers as private citizens.

Again, individuals associated with the stations can exercise their free-speech rights (to the last three items) as long as they do not do so “in the name of the station/foundation.”

*Distributed April 2023*