



Sponsorship Identification and the FCC's Online Political Files

What is sponsorship identification?

Long-standing law requires that broadcasters determine both the identity of the person (or group) sponsoring any advertisement and then display on the ad that it is paid for “by such person.” Sponsorship identification requirements for all television and radio ads have been part of federal law since 1927, predating the creation of the Federal Communications Commission (FCC) itself. These requirements are based on the principle that “listeners are entitled to know by whom they are being persuaded.” Section 317 of the Communications Act makes clear that sponsorship identification messages shown during broadcasts must “fully and fairly disclose the *true identity* of the person [or persons]” trying to persuade them [emphasis added]. The purpose of these requirements is to provide viewers and listeners with the information they need to assess the motivations and messages of advertisers. The FCC is required to regulate and enforce this law.

Listeners are entitled to know by whom they are being persuaded.

What are ‘political files’?

FCC licensees are required to maintain a “public file,” which contains, among other things, information about the station’s ownership, details of the station’s license and any complaints (both public and from the FCC) it has received. One section of the public file is the “political file” which is required to contain information about the political advertising¹ each station runs. The decades-old “public file” requirement arose out the unique role of television and radio broadcasters as public trustees. Given free licenses to operate using the publicly owned airwaves, the television and radio stations regulated by the FCC, unlike privately owned newspapers, are not supposed to give preferential treatment to one side or another in American politics.

Until 2012, the public file for each broadcast station was kept at the station’s main studio in paper form, accessible to the public during office hours only. That changed in 2012, when the FCC issued updated regulations to require that broadcasters upload these files to an online FCC database. In June 2016, the

¹ A political ad is defined as an ad that “communicates a message in relation to any political matters of national importance” or includes a “discussion of a controversial issue of public importance.” The definition in existing regulations explicitly states that any ads related to candidates for federal office are ads that deals with a “political matter of national importance.”



FCC extended reporting requirements to include radio, cable and satellite providers. Using the FCC database, the public can look for information about the sponsor of a political ad they have seen on television or heard on the radio.

Why is sponsorship identification important?

[Academic research](#) shows that sponsorship identification disclosure helps viewers to recognize the bias of the ad by clearly highlighting the source of the ad's content to the viewer. This information allows viewers to use "cognitive defenses" against its message. [Research](#) shows that the existence of sponsorship identification messages more often result in less overall opinion change by prompting viewers to question the bias of the sponsoring group. When broadcasters fail to fulfill their statutory obligations to reveal the true identity of advertisers, viewers do not have the necessary information about who is really behind the political messages they are taking in. Instead, well-resourced interests that can afford to buy advertising time are able to promote political candidates and platforms under the auspices of misleading names that mask their identities and conceal their political leanings.

Are broadcasters complying with current regulations?

Not only are broadcasters [failing to perform reasonable due diligence](#) in finding out the *true* sponsors of political ads, they are failing to fulfill even the bare minimum reporting requirements necessary to allow for clear sponsorship identification. A CLC analysis into the 2016 political files of broadcasters² in select key electoral battleground states – Florida, Ohio, Wisconsin and Pennsylvania – reveals the extents to which broadcasters ignore reporting requirements. Most broadcasters use a form developed by the National Association of Broadcasters (NAB) to fulfill the sponsorship identification requirements. Many broadcasters are failing to complete the form completely and accurately.

Of the 1,220 filings examined, only 788 (65 percent) contained fully completed forms.

The CLC analysis found that only 65 percent of forms uploaded to the FCC's database from these states from January through June of this year contained complete sponsorship identification information. Further, a number of filled forms appeared to contain inaccurate information.

- In June 2015, several stations in Wisconsin, including ABC-affiliate WBAY-TV, CBS-affiliate WFRV and Fox-affiliate WLUK broadcasted spots from the Chamber of Commerce supporting Ron Johnson's U.S. Senate bid. Their accompanying political forms, however, checked that the programming content did not communicate a "message relating to any political matter of national

² Political files were accessed on the FCC online file between June 1 and June 30, 2016.



importance” despite the definition which explicitly mentions ads related to candidates for federal office.

- Additionally, ads run by the AARP on several stations in Ohio were reported differently by different broadcasters. ABC syndicate WCPO-TV in Cincinnati filed a NAB form claiming the advertisement did not pertain to issues of national importance. Political filings for the same ad by NBC-affiliate WLWT, however, indicate that the ad referred to presidential candidates and their lack of coverage on social security issues, a matter of obvious ‘national importance.’

Not only are many of the files incomplete or false, the FCC online portal is wholly confusing for anyone looking for more information. Further, non-standardized filings and confusing file names make it nearly impossible to find and understand sponsorship identification information.

What should the FCC do?

To rectify these failures, the FCC should:

- Eliminate the use of PDFs and the use of the current NAB form and instead require public file information to be uploaded to a machine-readable FCC-standardized database.
- Update current ‘due diligence’ definitions to clarify the responsibilities and actions that media providers must undertake to be in compliance with the sponsorship identification requirements. Current enforcement practices allow TV and radio stations to essentially rely solely on the information provided by sponsors. Updated rules should specify at least the minimum actions the TV and radio stations should take to verify the sponsorship information provided to them.
- Require ad sponsors, under penalty of perjury, to provide media outlets with accurate information about their financial backers. This addition to the current regulatory regime would alleviate some of the burden of sponsorship identification currently placed solely on providers to ensure viewers and listeners receive accurate information about the ad’s sponsors.
- Ensure those TV and radio providers that have a pattern of uploading incomplete or inaccurate filings are penalized.

For more information about this issue, contact the Campaign Legal Center at info@campaignlegalcenter.org.