

Who's Behind That Political Ad?

The FCC's Online Political Files and Failures in
Sponsorship Identification Regulation



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THE
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LEGAL CENTER

Representing the public interest to protect and strengthen our democracy.

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Executive summary

With November's elections looming, candidates and voters alike are becoming more and more concerned with the impact of "big money" in politics and the amplified influence it gives wealthy interests. Nowhere is this influence more visible than on television, where the airwaves are already flooded by ads. Overall, advertising is up 122 percent over cycle-to-date volume compared to this point in the 2012 contest, and an estimated \$408 million has been spent on television advertising in the presidential race so far.¹ A significant portion of this spending comes not from the candidates' campaigns but from super PACs made up of wealthy donors — the true identities of which may be hidden by misleading or generic group names.

The government agency charged with ensuring that the public knows who is behind political ads — the Federal Communications Commission (FCC) — is struggling to live up to its responsibilities. Statutes, dating from the dawn of broadcasting, which aim to ensure viewers know who is trying to influence their opinion, go unenforced.

FCC regulations require that broadcasters upload a variety of information about their operations and "service to its community of license" to an online database known as a **public file**. This file contains information about a station's most significant programming, its airing of issues of importance to its community, details of the station's ownership, and any complaints (both public and from the FCC) it has received. Part of this public file is a subcategory known as a station's **political file**. The political file contains all information about political advertising time sold or given away by the station. FCC regulations require that a broadcaster's political file contain the specifics of advertising time sold to candidates and issue advertisers, including airtimes, preceding programming and the final financial deals agreed for airtime.

In addition, political ads from non-candidates that pertain to political matter and controversial issues of public importance require further documentation, such as a list of the chief executive offices or executive members of the sponsoring entity. When providing such information, broadcasters must report whether the advertisement in question pertains to an issue of national importance, such as elections to any federal office or national legislative issues.²

In 2012, the FCC set out to bring greater sponsorship transparency to the general public by requiring broadcasters to put their political files, including details of their political advertising buys, in the online public database.³ In June 2016, the FCC extended reporting requirements to include radio, cable and satellite providers.⁴ By making such files available for public

By making files available for public inspection, individuals can find out the true source of funds for each political ad.

inspection, the public has greater access to vital information about those individuals and groups seeking to influence public opinion.

FCC regulations require broadcasters to list the executive board members, or highest-ranking officers, of the sponsoring group. If completed truthfully and fully, the online files should provide the public the information needed to accurately identify who is behind the ads.

But as the number of super PACs buying up television and radio airtime increases, the transparency of who is behind political ads is becoming increasingly murky. Furthermore, attempts by the FCC to combat this growing practice are half-hearted. As a result, broadcasters ignore existing regulations with impunity, consistently failing to follow existing FCC rules.

The Campaign Legal Center looked at whether the latest FCC's action to illuminate sponsorship identification, the Online Public Inspection Files (OPIF), lives up to reasonable expectations of transparency, including whether the database is in fact a useful tool for public transparency.

By exploring a section of the OPIF, this paper looks at:

- Whether broadcasters are uploading all the necessary documents to fulfill FCC sponsorship identification requirements;
- Whether the OPIF in fact provides the tools needed for the viewers and listeners to access the statutorily required information about political advertising;
- How the FCC can improve the database to strengthen transparency.

Our analysis of the political files of television broadcasters in key electoral battleground states — Florida, Ohio, Wisconsin and Pennsylvania — reveals the extent to which broadcasters ignore longstanding statutory sponsorship identification and reporting requirements. Of the 1,220 filings examined, only 65 percent of forms from these battleground states uploaded to the FCC's database contained complete sponsorship identification information. Moreover, a number of forms contain **inaccurate information**.

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

Our analysis found that a significant number of forms falsely claimed that their accompanying ads did not pertain to issues of “national importance,” despite referring directly to candidates for federal office or to policy issues. The analysis also uncovered significant inconsistencies in the ways in which different stations reported the same ads and in the way they uploaded political files to the FCC's database. Such false and inconsistent filings weaken the online public file's utility as a public tool.

The FCC should take a number of steps to standardize the files and should properly oversee broadcasters to ensure they are completing the filings accurately in order to achieve the statutorily required transparency. These include low-level administrative changes, such as eliminating the use of PDFs to make the online files more searchable and implementing a FCC-standardized database to ensure that broadcasters provide full and correct sponsorship identification information.

Changes also need to be implemented at a higher level through the redrafting of current “due diligence” definitions to clarify the responsibilities and actions that media providers under the FCC’s jurisdiction must take to comply with sponsorship identification requirements. Finally, the FCC must penalize those providers who consistently upload incomplete or inaccurate filings.

In order to quash the growing impact of moneyed groups, the commission must assert its regulatory powers and change regulations so that the burden of providing truthful sponsorship identification falls on both the broadcasters showing the ads and the groups making them.

Background

History of FCC regulation on sponsorship identification

Sponsorship identification, first required by the Radio Act of 1927, predates the FCC itself. Seven years later, Section 317 of the 1934 Communications Act required that broadcast licensees identify the person (or group) sponsoring any advertisement and disclose on-air that the ad is paid for “by such person” at the time the ad is broadcast.

In 1975, the FCC clarified its sponsorship identification requirements, ruling that broadcasters were “expected to look beyond the immediate source of payment where they have reason to know (or could have known through the exercise of reasonable diligence) that the purchaser of the advertisement is acting as an agent for another, and to identify the true sponsor.”⁵ However, in the decades since, confusion has arisen regarding what constitutes “due diligence” in naming sponsors — underscored by an unpublished 1979 FCC decision that suggested due diligence could be achieved by broadcasters merely by publishing the name of the organization that has claimed editorial control of the ad, regardless of the sources of its funds.

Apart from the confusion over “due diligence,” the FCC has moved toward making sponsorship identification more public. The creation of the online public file in 2012 forced broadcasters to upload all their political files online, thus providing the public with access to information about who is trying to persuade them. In 2016, the FCC extended filing requirements to include cable, satellite and radio

providers. While the effectiveness of the files themselves is questionable, the FCC's decision demonstrates further attempts to increase transparency and strengthen sponsorship identification, particularly in the political context.

Research method

Correct filing practices for issues advertisements

When uploading political files, most broadcasters use an industry-standard form provided by the National Association of Broadcasters (NAB).⁶ (See figure 2.) However, a number of broadcasters use a personalized variation of the NAB form that fulfills the same requirements. This NAB form is uploaded alongside broadcasting details to the FCC's online portal.⁷

Many of the NAB forms used by the examined stations included a printed explanation next to questions of “national importance” that explain the following:

“Programming that ‘communicates a political matter of national importance’ includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to federal office (e.g., any references to ‘our next senator,’ ‘our person in Washington’ or ‘the President’); and (3) national legislative issues of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation.)” (See figure 3.)

Data

In an effort to gauge the degree of compliance with disclosure rules, CLC examined political files uploaded to the FCC's Online Public Inspection File (OPIF) found online at <http://www.publicfiles.fcc.gov>. CLC looked at files from all broadcasting stations (excluding cable and satellite) operating in four of the most hotly contested battlegrounds in the 2016 presidential elections — Florida, Ohio, Pennsylvania and Wisconsin — totaling 240 stations. Each station's files were then analyzed,⁸ with a focus on filings for 2016 and on “Non-Candidate Issues Ads.” (See figure 1.) This category of advertisements was chosen because, as one observer put it, “this is where the mystery-meat groups end up, whether they are buying ads on behalf of federal, state or local candidates.”⁹

Files for each station were accessed on the FCC database between June 1 and June 30, 2016 and were examined for their compliance with FCC regulation regarding sponsorship identification. Those failing to comply were noted for their shortcomings and emergent themes of

The analysis looked at 240 TV stations in four battleground states: Florida, Ohio, Pennsylvania and Wisconsin.

similar misfiling were explored.

A total of 1,220 filings (folders from a particular broadcaster pertaining to a particular advertisement) were examined, of which only 788 (65 percent) contained fully completed NAB forms (or the equivalent). These numbers do not include the number of filings without complete advertising buy details or NAB forms filled out incorrectly or falsely.

Findings — How broadcasters are falling short

Incomplete filings

The most common problem was the uploading of incomplete political files. Notably, NAB forms often lacked vital information about the political content of the ad. Many ad buys were uploaded without an accompanying NAB (or equivalent) form. And many completed NAB forms lacked specifics on when the advertisement aired.

In March 2016, a significant number of broadcasters, including ABC affiliates WQOW in Wisconsin and WWSB in Florida aired advertisements from Our Principles PAC, which opposed Donald Trump without uploading complete NAB forms that explicitly stated that the airtime was for ads of “national importance” and specifically related to the presidential candidate and the primary race. (See figure 4.) Moreover, some uploaded NAB forms filed under Our Principles PAC were left entirely blank.

Individuals attempting to use the FCC online portal to find out more about the advertisements running on their local station would have none of the statutorily required information about the ad from the political filings alone and so would be unable to match the ad they saw with the correct files — far from the transparency that the commission hoped open public filings would enable.

Instead, finding out the identity of the ad’s sponsor, the inadequate filing requires additional online

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"
☐ Yes ☐ No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Our Principles PAC
P.O. Box 12045
Alexandria, VA 22313

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

President: Brian Baker
Treasurer: Jamie C. Jodoin

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

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An incomplete NAB form for Our Principles PAC shows the “type of ad” content is left blank.

research and confirmation from either the broadcaster or the PAC itself — wholly negating the point of publicly filing information in the first instance.

The Our Principles PAC YouTube page (see figure 5) shows how all of its television advertisements relate to Donald Trump’s presidential bid — a fact broadcasters in many states failed to include on uploaded NAB forms. While such incomplete filings may be seen as a procedural error, an inability to complete even the most basic of accountability checks retains importance. Moreover, it would be an easy fix for the FCC to put in place a standardized format for filings and to fully enforce proper filing.

False filings

A second, more deliberate, error arose when broadcasting stations allowed filings to incorrectly label advertisements as pertaining to content “not of national concern.” This was highlighted by the inconsistent reporting of the same advertisements across different broadcasters or through a further investigation into the actual advertisement shown.

In June 2015, several stations in Wisconsin, including ABC affiliate WBAY-TV, CBS affiliate WFRV, and Fox affiliate WLUK broadcast spots from the U.S. Chamber of Commerce supporting Ron Johnson’s Senate bid. (See figure 6.) The accompanying political forms, however, checked that the programming content did not communicate a “message relating to any political matter of national importance.” (See figure 7.)

It is difficult to comprehend why the advertisers filling in the form — and the broadcaster who was responsible for performing due diligence — failed to label the ad correctly. The NAB form used by the Chamber for several broadcasters contains an explanation of what constitutes matters of “national importance” plainly outlining “any election to federal office (e.g., any references to ‘our next Senator’)” as one such matter.

By mislabeling the content of the advertisement, these online political files prevent the public from using the FCC’s online portal to find information about the political advertisements shown on their local stations. The true content of the advertisement was only found by confirming with the chamber of commerce themselves, confirmation that many super PACs and dark-money groups would not agree to and are not required to do.

Inconsistent reporting of the same advertisements by different stations

Instances of mistaken labeling of ads as “not of national importance” are highlighted by a comparison of

filings of the same advertisement by different broadcasting stations.

For example, advertisements run by the AARP on several stations in Ohio were reported differently by different broadcasters. ABC syndicate WCPO-TV in Cincinnati filed an 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. (See figure 8.) WLWT's NAB form shows clear signs of due diligence by the station as it sought out further members of the board of the AARP for reference in the political file. The inclusion of such detail, and clear evidence of a station's due diligence, was a rarity within the broadcasters researched.

This disparity in reporting is not a trivial matter as it either betrays a lack of understanding of the FCC's sponsorship identification requirements or a lack of care in meeting the requirements. The latter is worrying as it signals that broadcasters recognize the improbability of the FCC to uphold its own requirements.

Findings — How the current reporting system falls short

Barriers to proper fulfillment of broadcasters' due diligence

Of the 240 stations researched in the four states selected, only 10 stations¹⁰ showed clear evidence of inquiring into those entities sponsoring the political advertisements the stations were broadcasting. The political files of one such station, WLWT in Cincinnati, Ohio, sheds light on the difficulty stations face if they do try to properly identify sponsors.

NAB forms from the station highlight multiple times in which those completing the files were unable to find information about the chief executive officers or the board of directors of the groups sponsoring ads on their stations. For example PAC Fighting for Ohio refused to give further names of committee members when asked by the stations, as did the Constitutional Responsibility Project. (See figure 9.)

By asking for the information, despite getting rejected, broadcasters fulfill the requirements of the FCC that they “use reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with [the ad] the information” to enable the broadcaster to make an on-air disclosure. Accordingly, current regulation puts the burden of disclosure on the broadcaster, making it powerless in situations where the advertiser refuses to give further information. This regulation results in incomplete filings in which PACs can pick and choose who they disclose as their chief executive officers or board directors. This loophole can be used to distort the true sponsors of ads. Previous complaints

brought in front of the FCC by the Campaign Legal Center against Independence USA PAC and Michael Bloomberg, and Next Gen Climate Action Committee and Tom Steyer, highlight why full disclosure of key figures and funders is an important requirement in political advertising.¹¹

Timing requirements on uploads

The FCC requires that advertising requests and dispositions (“deals” agreed to by the broadcaster and the advertiser) be uploaded to the online political file immediately, unless in the case of extraordinary extenuating circumstances. The FCC does not require, however, that all “reconciliation” — final details of broadcasting times and content — be uploaded immediately, but that the station identify a person or persons “capable of informing an advertiser of the details of any reconciliation information” (FCC, “About Public Inspection Files,” 2016). As a result, advertisement time purchased far in advance, particularly that time bought ahead of national elections, has its initial purchasing information uploaded with vague sponsorship information. This is done under the understanding that once advertising content has been finalized, the records will be updated to reflect the ad’s messaging. (See figure 10.)

It remains to be seen whether broadcasters will ensure that early advertising buys are updated with full sponsorship identification information once the election cycle reaches its peak in November 2016. Given the lack of FCC oversight seen in the earlier reporting, it is doubtful that broadcasters will rectify missing reporting.

Given the lack of FCC oversight seen in earlier reporting, it is highly doubtful that broadcasters will seek to properly rectify earlier missing reporting.

Lack of standardization in filing

Data collection for this paper revealed one overwhelming issue with the FCC’s online portal that greatly undermines its accessibility to the general public — a lack of uniformity in filing. Left to the devices of the broadcasters, the composition of the online folders — beyond the structured “type” and “date” pathway — is both sporadic and unstructured. While some station profiles are easy to navigate, many show no signs of organization. Moreover, political files are often labeled unclearly with systems of no use to the public. In addition, a mass uploading of advertisements, and a lack of dates on NAB forms, makes it difficult to tell which advertisements a sponsorship disclosure refers to. In a single group’s folder, there may be ad buy information for multiple months spanning the year, yet there is often only one NAB form. It is therefore unclear whether it will be the same advertisement running across the year, or whether groups

are filing one disclosure form for multiple advertisements.

For individual researchers or groups aiming to use the OPIF for data-driven projects, the barriers are substantial. The FCC's commitment to storing files in a PDF format, cemented by advances in the PDF conversion software included in the June 24 update, makes research prohibitively time-consuming. Furthermore, files cannot be downloaded en masse, so research must be completed file by file.

Such housekeeping issues could be easily resolved by the FCC through a better structuring of its platform, one that could be implemented with the newly improved website. Instead, small inconveniences in the current filing practices render the website fairly inaccessible to the public. There remains within the public filing system a gulf between it being public and being practically accessible. Until filing is easily navigable to the average television viewer (and now radio listener) looking for more information on who is trying to persuade them, then the filing system's use is futile. Additionally, given the stretched capacity of the FCC, an easily accessible portal for researchers would provide an additional resource to the commission in its pursuit of those attempting to circumvent sponsorship identification laws.

Why sponsorship identification matters

Research into sponsorship disclosure for broader advertising reveals that sponsorship identification can “activate dimensions of persuasion knowledge” that will alter how viewers perceive a message.¹² One study outlined five steps of persuasion knowledge that cultivate the reception of the message being broadcast, these being: (1) distinguishing commercials from programs, (2) understanding advertising intent, (3) recognizing bias and deception in advertising (skepticism), (4) using cognitive defenses against advertising, and (5) comprehending advertising tactics and appeals.¹³ These cognitive processes underscore the importance of full and clear political advertising disclaimers, since without such information, viewers are unable to recognize the type of bias inherent in the advertisement. Without recognizing the specifics of the bias included in advertising, viewers cannot use their “cognitive defenses” against its messages and will therefore be overly receptive to its content. In another study, authors argue that this constitutes a violation of the customers’ (viewers’) right to know when they are being subjected to biased persuasive content.¹⁴

The concept of “priming” is also central to understanding the impact that sponsorship identification messages have on content interpretation. A 1987 study defines priming as “changes in the standards that people use to make political evaluations.”¹⁵ In this case, the existence of sponsorship disclosure functions as a “primer” for

Research has proven that sponsorship identification shapes the considerations that people take into account when making judgments about political candidates or issues.

understanding the message of the advertisement.¹⁶ Sponsorship identification messages, therefore, are a factor that shapes the “considerations that people take into account when making judgments about political candidates or issues.”¹⁷ Moreover, research has proven that the existence of such priming increases the likelihood of counter-arguing¹⁸ and more often results in less opinion change¹⁹ — substantial reasons why sponsors resist continuing attempts to clarify sponsorship identification.

Furthermore, the impact of sponsorship identification on considerations of content matter is shaped by individual attitudinal factors. Researchers found that attitude importance was a key moderator on the effect of forewarning on participants’ ultimate attitude toward the advertising content.²⁰

In a political context, attitudinal factors are shaped by a variety of individualized influences, including:

- issue salience — how personally important the viewer deems the issue in question
- partisanship — whether the political leaning of the advertisement aligns with their political preference (a variation of Tajfel’s (1979) social identity theory)²¹
- source identification

The latter factor highlights the importance of truthful sponsorship identification. How can individuals assess the veracity of the source, or their alignment with the source, if they do not know the true identity of the sponsor?

Recommendations to the FCC

Low-level administrative improvements

A large proportion of the misfiling and inefficiencies can be easily remedied. Overwhelmingly, the largest impact the FCC could have in making these files truly accessible to the public is by standardizing the filing. Not only would this create a portal that is accessible to the public, but it would also ensure that missing and falsified filings could be easily traced — providing an enhanced deterrent against PACs and media outlets wishing to hide the true identity of sponsors. Strict labeling of dates would transform the portal into an easily navigable system and ensure that broadcasters upload sponsorship identification information alongside the ad buy details their sponsorship pertains to.

The FCC should move to implement an FCC-standardized database for the political file information rather than relying on PDFs of the NAB form. The current NAB form does, when properly filled, provide the reader with decently sufficient sponsorship information. However, as the data highlight, incomplete forms are uploaded with regularity, and not every broadcaster uses the NAB form. An FCC-approved database

with a standardized form would leave little room for incomplete filings and could force broadcasters to provide the required details about the content of the ad in a fashion recognizable to the public. A standardized form could also preempt issues associated with early disclosure by including full information of those who will later update the form when the advertising content is finalized.

More substantive regulatory changes

The disregard with which many broadcasters have flaunted sponsorship identification requirements highlights a more substantial issue facing the FCC. Broadcasters do not believe they will face sanctions for failing to provide full sponsorship information in the public file. Given the difficulty of navigating the quantity of files uploaded, and the new burden of files from radio, satellite and cable providers, it is unsurprising that the FCC has shown little interest in exercising oversight over the OPIF. Oversight could be dramatically improved by the administrative improvements highlighted above.

Until the FCC actively pursues cases in which broadcasters fail to provide complete sponsorship information, and until the FCC acts on complaints filed, the agency will continue to be seen for what it is: a captive agency failing to fulfill its statutory responsibilities. It is imperative for the FCC to enact substantial changes to reporting, including an extension of broadcasters' "due diligence" to include the funders of sponsoring groups. Common sense suggests that the true identity of a sponsor is best revealed by looking at who controls the purse strings of the advertiser. Yet, current practices, such as allowing stations to merely ask for the board of directors, allow broadcasters' to put profits before public service.

Until the FCC actively pursues cases in which broadcasters fail to provide substantial sponsorship information, the FCC will continue to be seen as toothless.

Moreover, while the impetus for full and correct filing falls solely on the broadcaster, sponsoring groups — particularly the rapidly expanding number of PACs and dark-money groups — will be afforded the opportunity to hide aspects of their true identity.

Overall conclusions

The inefficiencies of the OPIF render research into sponsorship identification prohibitively time-consuming. As a result, its use as a tool for public use is highly questionable. The FCC can take a number of immediate actions to increase OPIF's viability as a tool for public use. These actions in the short term should include steps toward standardizing uploading practice. In the long run, however, the commission should assert its authority to ensure that political files are correctly maintained and should alter current

regulations to bolster the importance of compliance in the eyes of broadcasters and ad sponsors. Without such measures, the online file will remain of little use to the public and to the FCC itself.

About the authors

Meredith McGehee

Policy Director, Campaign Legal Center

Meredith McGehee directs the legislative and media policy efforts of the Campaign Legal Center. She has worked on democracy issues for more than 30 years and has been named nine times as one of the top nonprofit advocates in Washington, D.C., by The Hill newspaper. She has been described as “one of the most in-the-know persons about lobbying, money in politics, media policy and the D.C. scene.” McGehee is one of the nation’s foremost experts on ethics in politics and government.


Rachel E. Moran

Consortium on Media Policy Studies Fellow, Campaign Legal Center

Rachel E. Moran is a Consortium on Media Policy Studies Fellow (COMPASS) at the Campaign Legal Center. She is currently a doctoral student at the Annenberg School for Communication and Journalism at the University of Southern California. She also holds degrees in politics, sociology and political communications from the University of Cambridge and Goldsmiths College, University of London. Moran’s research focuses on political communications, particularly the links between communications platforms and socio-political engagement and the rise of professionalization and marketization in politics. Her current research looks into the role of money in politics and the use of political advertising.

Appendices

Figure One — The OPIF Interface July 2016 (after a switchover to a new format on June 28th 2016)


TV STATION PROFILE 


WLWT











CINCINNATI, OH

Virtual Channel **5** | RF Channel **35** | Facility ID **46979**

Search WLWT Profile












Political Files

Some of the files found in these folders may contain terms, abbreviations or other language that require explanation for a full understanding of the documents. If so, these explanations should be found in the *Terms and Disclosures* folder.

Browse → **Political Files** → **2016** →

Name	Size	Date Uploaded
 Federal	107	--
 Local	10	--
 Non-Candidate Issue Ads	92	--
 State	1	--
 Terms and Disclosures	1	--

Showing 1 to 5 of 5 entries

Figure Two — An example NAB form which, when properly completed, fulfills FCC requirements for sponsorship identification

NAB Form PB-17 Issues

**AGREEMENT FORM FOR
NON-CANDIDATE/ISSUE ADVERTISEMENTS**

Station and Location:	Date:
------------------------------	--------------

I, _____
do hereby request station time concerning the following issue:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

Total Charges:

This broadcast time will be used by: _____

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☐ Yes
 ☐ No

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NAB Form PB-17 Issues

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the office(s) being sought and the date(s) of the election(s) (if applicable):

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 3)

I represent that the payment for the above described broadcast time has been furnished by:

and you are authorized to announce the time as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is:

☐ a corporation;
 ☐ a committee;
 ☐ an association;
 ☐ or other unincorporated group.

The names, offices, and addresses of the chief executive officers, directors, and/or authorized agents of the entity are named below (may be attached separately):

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

I agree to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). For the above-stated broadcast(s), I also agree to prepare a script, transcript, or tape, which will be delivered to the station at least _____ before the time of the scheduled broadcasts.

TO BE SIGNED BY ISSUE ADVERTISER

_____ Date
_____ Signature
_____ Contact Phone Number

TO BE SIGNED BY STATION REPRESENTATIVE

☐ Accepted
☐ Accepted in Part
☐ Rejected

_____ Signature
_____ Printed Name
_____ Title

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Figure Three — Explanation of "national importance" from NAB forms

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Figure Four — Incomplete NAB form uploaded to WWSB's political file for Our Principles PAC

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"
☐ Yes ☐ No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Our Principles PAC
 PO Box 155445
 Alexandria, VA 22315

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

President: Brian Baker
 Treasurer: Jamie C. Jodoin

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

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Figure Five — The Our Principles YouTube page

YouTube Search Upload Sign in

Our Principles PAC Videos Playlists Channels Discussion About

The Case Against Trump
 2,046 views • 3 months ago

CNBC Fact Check: Products Donald Trump Touted "No Long..."
 1,081 views • 3 months ago

Donald Trump Won't Answer Simple Question on Taxes: "I..."
 1,827 views • 3 months ago

Donald Trump: You Don't See "Made In The USA" Anymore
 1,115 views • 3 months ago

Katie Pavlich: Donald Trump Won't Bring Back Jobs. He Has ...
 853 views • 3 months ago

Fox News Segment on Media's Failure to Vet Donald Trump's...
 2,078 views • 3 months ago

Donald Trump Flip Flops on H-1B Visas During Fox Debate
 1,076 views • 3 months ago

Trump Explaining Why He Ships in Cheap Foreign Workers Says...
 625 views • 3 months ago

Trump Spox Says He Outsourced

Trump Spox Fail: Katrina Pierson

Figure Six — U.S. Chamber of Commerce ad supporting Ron Johnson that played in Wisconsin

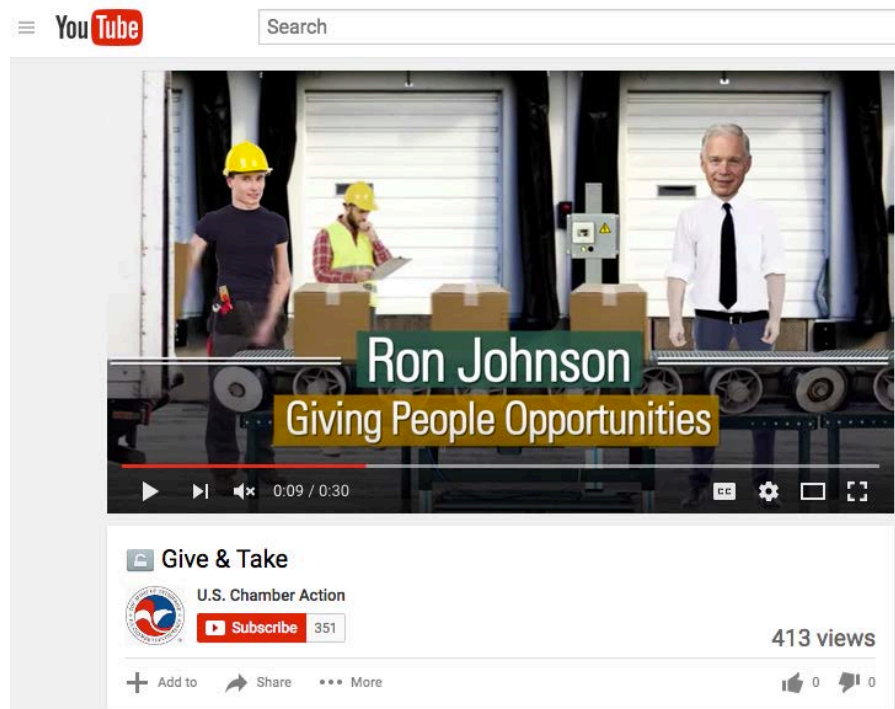


Figure Seven — NAB form uploaded to WFRV's political file for the U.S. Chamber of Commerce

NAB Form PB-18 Issues

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
"COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE."
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☐ Yes ☒ No

Figure Eight — WLWT's (left) and WCPO's (right) political filing for the same AARP advertisement shown in Ohio, June 2015

NAB Form PB-18 Issues

THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT "COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE." FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.

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Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☒ Yes ☐ No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

THE SPOT TALKS ABOUT HOW PRESIDENTIAL CANDIDATE AARP IS WORKING SOCIAL SECURITY, IT DRIVES VIEWERS TO 2016 TAKESTAND.ORG

I represent that the payment for the above described broadcast time has been furnished by (name and address):

AARP - 601 E ST NW
WASHINGTON DC 20049

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

DAVID RISENBERG - DIRECTOR & NATIONAL ADVERTISING
JODI SAKO - DIRECTOR STATE OUTREACH
CAROL RAPHAEL - BOARD CHAIR

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

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THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT "COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE." FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☐ Yes ☒ No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

I represent that the payment for the above described broadcast time has been furnished by (name and address):

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

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Figure Nine — NAB forms for Fighting for Ohio (top) and the Constitutional Responsibility Project (bottom)

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Chris Marston (Treasurer) WE ASKED THE AGENCY FOR MORE COMMITTEE NAMES, THEY REFUSED, WE GOOGLED THE PAC AND COULDN'T FIND ANY OTHER NAMES.

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Kyle Herrig, Board of Directors
ANITA JUNK - BOARD MEMBER
ASKED THE AGENCY FOR MORE NAMES - THEY REFUSED AND WHEN WE GOOGLED THE PAC WE COULDN'T FIND ONE MORE NAME.

Figure Ten — The Democratic Senatorial Campaign Committee (DSCC) has purchased numerous advertising slots in Ohio for fall 2016 with the accompanying NAB form. The form shown is tied to over \$175,000 worth of advertising slots on the WHIO channel.

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
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Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"
☒ Yes ☐ No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

I represent that the payment for the above described broadcast time has been furnished by (name and address):

DSCC

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Mindy Myers
120 Maryland Ave NE
Washington, DC 20003

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

Endnotes

- ¹ WESLEYAN MEDIA PROJECT, ADVERTISING VOLUME UP 122% OVER 2012 LEVELS; SPENDING IN PRESIDENTIAL RACE OVER \$400 MILLION (2016), *available at* <http://mediaproject.wesleyan.edu/releases/ad-spending-over-400-million/>.
- ² FED. COMM'NS COMM'N, *About Public Inspection Files*, <https://publicfiles.fcc.gov/about-station-profiles>.
- ³ 47 C.F.R. §§ 73.3526–73.3527 (2012).
- ⁴ Press Release, Fed. Comm'ns Comm'n, FCC Expands Online Public File Requirement to Move Cable, Radio and Satellite Public Files Online (Jan. 28, 2016), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-337474A1.pdf.
- ⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-13-237, BROADCAST AND CABLE TELEVISION: REQUIREMENTS FOR IDENTIFYING SPONSORED PROGRAMMING SHOULD BE CLARIFIED 5 (2013).
- ⁶ NAT'L ASS'N OF BROADCASTERS (NAB), POLITICAL BROADCAST AGREEMENT FORMS, PB-18 (2013), *available at* http://flradiogroup.com/Stations-Media/NAB%20PB_17_Forms.pdf.
- ⁷ One industry expert estimates that U.S. broadcast licensees use as many as 80 different forms to report the required information to the FCC.
- ⁸ Political files were accessed on the FCC online file between June 1 and June 30, 2016.
- ⁹ Kathy Kiely, *Dark Money: How You Can See More of It, Thanks to the FCC*, MOYERS & CO., June 27, 2016, <http://billmoyers.com/story/dark-money-can-see-thanks-fcc/>.
- ¹⁰ WLWT (Ohio), WLIO (Ohio), WMFG (Ohio), WESH (Florida), WKCF (Florida), WTSP (Florida), WMOR-TV (Florida), WTA-TV (Pennsylvania), WISN (Wisconsin), and WPBF (Florida).
- ¹¹ Unlike a candidate ad, the stations could have refused to air the ad. Notably, they did not—an example of how the station's desire for ad revenue from outside groups that are not subject to lowest unit rate requirements is the deciding factor in accepting ads.
- ¹² Sophie C. Boerman, E.A. van Reijmersdal & Peter C. Neijens, *Effects of Sponsorship Disclosure on the Processing of Sponsored Content: A Study on the Effectiveness of European Disclosure Regulations*, 31(3) PSYCHOL. & MKTG. 214 (2014).
- ¹³ *Id.* at 215.
- ¹⁴ Israel D. Nebenzahl & Eugene D. Jaffe, *Ethical Dimensions of Advertising Executions*, 17 J. BUS. ETHICS 805 (1998).
- ¹⁵ SHANTO IYENGAR & DONALD R. KINDER, NEWS THAT MATTERS 63 (1987).

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- ¹⁶ Michelle Bennett, Anthony Pecotich & Sanjay Putrevu, *The Influence of Warnings on Product Placements*, in 4 EUROPEAN ADVANCES IN CONSUMER RESEARCH 193–200 (Bernard Dubois et al. eds. 1999).
- ¹⁷ Dietram A. Scheufele, & David Tewksbury, *Framing, Agenda Setting, and Priming: The Evolution of Three Media Effects Models*, 57 J. COMM. 9 (2007).
- ¹⁸ Loes Janssen, Bob M. Fennis & Ad Th.H. Pruyn, *Forewarned is Forearmed: Conserving Self-control Strength to Resist Influence*, 46 J. EXPERIMENTAL SOC. PSYCHOL. 911 (2010).
- ¹⁹ Richard E. Petty & John T. Cacioppo, *Forewarning, Cognitive Responding, and Resistance to Persuasion*, 35 J. PERSONALITY & SOC. PSYCHOL. 645 (1977).
- ²⁰ Julia Z. Jacks & Patricia G. Devine, *Attitude Importance, Forewarning of Message Content, and Resistance to Persuasion*, 22 BASIC & APPLIED SOC. PSYCHOL. 19 (2000).
- ²¹ Henri Tajfel & John C. Turner, *An Integrative Theory of Intergroup Conflict*, in WILLIAM G. AUSTIN & STEPHEN WORCHEL, THE SOCIAL PSYCHOLOGY OF INTERGROUP RELATIONS 33–47 (1979).