

FCC Unveils Its Electioneering Communications Database

March 2004

Pursuant to a mandate contained in the Bipartisan Campaign Reform Act of 2002 (BCRA), the Federal Communications Commission (FCC) unveiled its electioneering communications database in February.

The database, available at <http://apps.fcc.gov/ecd/>, enables persons to determine whether a broadcast, cable or satellite media outlet can reach 50,000 or more people in a Congressional District or state. Such information is important because federal law bans corporations, unions and organizations using corporate or union funds from airing broadcast, satellite or cable communications that clearly identify a federal candidate within 30 days of a primary election and 60 days of a general election if the communications are targeted. "Targeted," under the BCRA, means the communications can be received by 50,000 or more people in the candidate's Congressional District (for House elections) or state (for Senate elections and Presidential primaries).

Under the Federal Election Commission's (FEC) regulations, the data contained in the FCC database is a complete defense to a charge of an illegal corporate or union electioneering communication. In order to determine whether a particular broadcast radio or television station, cable system or satellite system is unable to reach 50,000 or more people in a given Congressional District or state (and is therefore "safe" for electioneering communication purposes), a media buyer simply goes to the FCC database website and enters the type of race, state, Congressional District, type of communication and the call letters or other type of station identification.