

Reminder About Coordination and Electioneering Communication Deadlines

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With the 2012 election cycle well underway, corporations, trade associations and others should not forget about the upcoming coordinated and electioneering periods for the presidential primaries. Although the tendency may be to relax with the general election still 12 months away, the onset of primary season presents a number of compliance and reporting challenges that are worth a quick refresher.

Under federal campaign finance law, certain public communications coordinated with a federal candidate or political party are treated as contributions to the candidate or political party. This means that persons who are prohibited by federal law from contributing to candidates and political parties - *e.g.*, corporations and labor unions - also are prohibited from coordinating these public communications with candidates and political parties. Similarly, persons who are permitted to contribute within federally imposed limits - *e.g.*, individuals and political committees - may only spend money on coordinated communications that do not exceed those limits. For presidential candidates, these coordination "black-out" periods begin 120 days before the primary. The chart below provides some of the important deadlines for the early states.

The other important deadline is for "electioneering communications," which are cable, satellite or broadcast communications that mention a candidate and are distributed to the relevant electorate within certain preelection time periods. Although corporations may make electioneering communications under *Citizens United v. FEC*, 130 S. Ct. 876 (2010), it also is important to remember that certain communications featuring presidential candidates will trigger reporting requirements if made during the 30 days before a primary.

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Again, the chart below provides the relevant deadlines in the early states.

These rules, and particularly the coordination restrictions, can be a trap for the unwary. Before you issue any communications related to or mentioning a candidate, make sure that you are not unwittingly making an in-kind contribution or triggering a reportable event.

State	Party	Primary Date	Electioneering Communication Window Begins	Coordination Window Began
Iowa	Both	January 3, 2012	December 4, 2011	September 5, 2011
New Hampshire	Both	January 10, 2012	December 11, 2011	September 12, 2011
Nevada	Democrat	January 21, 2012	December 22, 2011	September 23, 2011
South Carolina	Republican	January 21, 2012	December 22, 2011	September 23, 2011
South Carolina	Democrat	January 28, 2012	December 29, 2011	September 30, 2011
Florida	Both	January 31, 2012	January 1, 2012	October 3, 2011