

Federal Electioneering Communications and Coordinated Communications Periods Begin for General Election

September 2022

The federal requirements surrounding certain election-related communications leading up to the general election are currently in effect through November 8, 2022. The 90-day coordinated communications period and 60-day electioneering communications period will remain in effect through the general election.

The 90-day coordinated communications period began on August 10, 2022. During this period, communications coordinated with a candidate, candidate's authorized committee, political party committee, or agents are considered in-kind contributions subject to federal contribution limits and reporting requirements. To determine if communication is coordinated, the Federal Election Commission has developed a three-prong test that considers the payment's source, the communication's subject matter, and the interaction between the candidate or political party and the person paying for the communication.

The 60-day electioneering communications period began on September 9, 2022. During the 60-day period leading up to the general election, political advertisements that qualify as electioneering communications must include a disclaimer noting who paid for the advertisement and whether any candidate or committee authorized the communication. Further, any person expending over \$10,000 in the aggregate on electioneering communications must file a 24-hour notice with the Federal Election Commission. An electioneering communication includes any publicly distributed broadcast, cable, or satellite communication that clearly refers to an identified federal candidate within 60 days of a general election and

Practice Areas

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is targeted to the relevant electorate audience.

Attorneys in Wiley's Election Law & Government Ethics Practice regularly advise clients on the requirements surrounding political advertisements and communications.