

103^D CONGRESS
1ST SESSION

S. 329

To amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

Mr. DANFORTH (for himself, Mr. HOLLINGS, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campaign Advertising
5 and Disclosure Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) in the thirty days preceding a primary, and
2 in the forty-five days preceding a general election,
3 candidates for political office need to be able to buy,
4 at the lowest unit charge, nonpreemptible advertis-
5 ing spots from broadcast stations and community
6 antenna television systems to ensure that their mes-
7 sages reach the intended audience and that the vot-
8 ing public has an opportunity to make informed de-
9 cisions;

10 (2) since the Communications Act of 1934 was
11 amended in 1972 to guarantee the lowest unit
12 charge for candidates during these important
13 preelection periods, the method by which advertising
14 spots are sold in the broadcast and community an-
15 tenna television industries has changed significantly;

16 (3) changes in the method for selling advertis-
17 ing spots have made the interpretation and enforce-
18 ment of the lowest unit charge provision difficult
19 and complex;

20 (4) clarification and simplification of the lowest
21 unit charge provision in the Communications Act of
22 1934 are necessary to ensure compliance with the
23 original intent of the provision;

24 (5) in granting discounts and setting charges
25 for advertising time, broadcasters and operators of

1 community antenna television systems shall treat
2 candidates for political office at least as well as the
3 most favored commercial advertisers; and

4 (6) enhancing the disclosure requirements of
5 the Federal Election Campaign Act of 1971 will in-
6 crease candidate accountability to the electorate and
7 enhance the ability of the individual citizen to exer-
8 cise informed judgment by more effectively identify-
9 ing the source of political advertising and the credi-
10 bility of each advocate.

11 **SEC. 3. USE OF BROADCASTING STATIONS BY CANDIDATES**

12 **FOR PUBLIC OFFICE.**

13 Section 315 of the Communications Act of 1934 (47
14 U.S.C. 315) is amended—

15 (1) in subsection (b)(1)—

16 (A) by striking “forty-five” and inserting
17 in lieu thereof “thirty”;

18 (B) by striking “sixty” and inserting in
19 lieu thereof “forty-five”; and

20 (C) by striking “class and”;

21 (2) by redesignating subsections (c) and (d) as
22 subsections (d) and (e), respectively; and

23 (3) by inserting immediately after subsection
24 (b) the following new subsection:

1 “(c)(1) Except as provided in paragraph (2), a li-
 2 censee shall not preempt the use, during any period speci-
 3 fied in subsection (b)(1), of a broadcasting station by a
 4 legally qualified candidate for public office who has pur-
 5 chased and paid for such use pursuant to the provisions
 6 of subsection (b)(1).

7 “(2) If a program to be broadcast by a broadcasting
 8 station is preempted because of circumstances beyond the
 9 control of the broadcasting station, any candidate adver-
 10 tising spot scheduled to be broadcast during that program
 11 may also be preempted.”.

12 **SEC. 4. POLITICAL ADVERTISING REQUIREMENTS.**

13 (a) Section 318(a) of the Federal Election Campaign
 14 Act of 1971 (2 U.S.C. 441d(a)) is amended—

15 (1) by striking the period at the end of para-
 16 graph (3) and inserting in lieu thereof a semicolon;
 17 and

18 (2) by adding at the end the following:

19 “except that in the case of any communication authorized
 20 by a candidate and made through a broadcasting station
 21 or a community antenna television system, such commu-
 22 nication shall also meet the following requirements:

23 “(A) During the communication, the following
 24 shall be stated aurally in the candidate’s voice: ‘I,
 25 _____, A CANDIDATE FOR

1 _____, HAVE APPROVED OF THIS AD’,
2 with the first blank space being filled with the can-
3 didate’s name and the second blank space being
4 filled with the name of the office sought by the can-
5 didate.

6 “(B) The statement required by subparagraph
7 (A) shall be spoken clearly without rushing, disguis-
8 ing, or deemphasizing particular words.

9 “(C) In the case of a communication made
10 through a television broadcasting station or commu-
11 nity antenna television system, the background pho-
12 tography during the entire time the statement re-
13 quired by subparagraph (A) is made shall consist of
14 an unobscured full face picture of the candidate, oc-
15 cupying no less than 40 percent of the television safe
16 screen area, against a neutral background.”.

17 (b) Section 318 of the Federal Election Campaign
18 Act of 1971 (2 U.S.C. 441d) is amended by adding at
19 the end the following new subsection:

20 “(c) As used in this section, the ‘community antenna
21 television system’ has the meaning given that term under
22 section 315 of the Communications Act of 1934 (47
23 U.S.C. 315).”.

○