

Who's Behind That Political Ad? The FCC's Online Political Files and Failures in Sponsorship Identification Regulation

RACHEL E. MORAN
University of Southern California, USA

This article examines the role of the Federal Communications Commission (FCC) in regulating political advertising on broadcast television. In the wake of an extension of reporting to include radio, satellite, and cable providers, this study examines the extent to which reporting requirements have been upheld in the established Online Public Inspection File (OPIF) particularly regarding the full identification of sponsors of political ads. Through an exploration of filings by broadcasters in four states, clear sponsorship identification filing was found to be lacking. Research revealed a number of administrative and regulatory problems in the filing and uploading of political files that undermines the OPIF's ability to be used as (a) a public tool for transparency, (b) data for researchers and watchdog groups, and (c) a vital instrument for FCC oversight. Recommendations for future changes to both the structure of the OPIF and for sponsorship identification regulations are discussed.

Keywords: Federal Communications Commission, political advertising, media policy

More than 2 million political ads aired over the course of the 2016 U.S. presidential election cycle (Wesleyan Media Project, 2016), all designed to capture the attention, and ultimately the vote of the American electorate. Given the sheer barrage of political ads flooding the airwaves, it is paramount that viewers are given full information regarding who is behind these inescapable, persuasive attempts. Without knowledge of who is really creating and funding the ads they are subject to, voters cannot distinguish the true motivations of the ad in question and thus are not given the resources to assess the veracity of the claims it presents. In an election cycle and seemingly a subsequent presidency marked by "post-truth" politics, the airing of ads with unknown, or purposely misleading, attributions adds to a rise in political misinformation and the demise of electoral, institutional, and political transparency.

The need to identify who is behind a political advertisement, or indeed any advertisement, has long been a concern in the Federal Communications Commission's (FCC) attempts to regulate media outlets. Despite its seemingly straightforward remedy, political advertisement sponsors have continued to find new ways to circumvent law and mask their true identities from the viewing public. Since the Radio Act of 1927, and through extensions included in the 1934 Communications Act, the FCC has put in place regulations that require advertisement sponsors to be of public record via disclosure on the ads themselves. More recently, since 2012, the FCC has further required that the particulars of political advertising "buys" be open to public viewing through mandatory upload to the FCC's Online Public

Inspection Files (OPIF). However, the FCC faces several hurdles that undermine its ability to fulfill aims of transparency. First and foremost, it faces threats from the rapid proliferation of Political Action Committees (PACs), which are spending increasingly large amounts of money on televised political ads and hiding behind "anodyne monikers" like "Americans for a Better America" (Kiely, 2016). Secondly, an extension by the FCC to necessitate the reporting of sponsorship identification details online by cable, satellite, and radio providers stretches the oversight of an already meager regulatory agency.

Nonetheless, public access to details on political advertising sponsorship is vital in allowing private citizens to gain full knowledge of who is trying to solicit their opinion, and ultimately, their vote. This article aims to uncover the reporting practices currently undertaken by broadcasters in their fulfillment of FCC regulation on sponsorship identification. In doing so, this research seeks to determine whether the aims of transparency in political advertising are being achieved through the most basic of the FCC's oversight functions and, if not, how the FCC can augment current practices to better reveal to the general public who is really behind political advertisements.

Why Sponsorship Identification Matters

Prior research into sponsorship disclosure for commercial advertising has revealed that sponsorship identification can "activate dimensions of persuasion knowledge" that alter how the message is perceived by the viewer (Boerman, van Reijmersdal, & Neijens, 2014). John (1999) outlined five steps inherent within persuasion knowledge that manage the reception of the message being broadcast, namely, (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 (John, 1999, p. 188). The existence of such cognitive processes confirms the importance of full and clear political advertising disclaimers, as 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, as a result, be overly receptive to its content. Nebenzahl and Jaffe (1998) argued that this constitutes a violation of the viewers' right to know when they are being subjected to biased persuasive content.

The concept of "priming" is also central to understanding the impact sponsorship identification messages have on content interpretation. Iyengar and Kinder (1987) define priming as "changes in the standards that people use to make political evaluations" (p. 63). In the case of political ad sponsorship, sponsorship disclosure functions as a primer for understanding the message of the advertisement (Bennett, Pecotich, & Putrevu, 1999). Sponsorship identification messages therefore exist as one such influencing factor shaping the "considerations that people take into account when making judgments about political candidates or issues" (Scheufele & Tewksbury, 2007, p. 11). Similarly, research has demonstrated that the existence of such priming increases the likelihood of counter-arguing (Janssen, Fennis, & Pruyn, 2010; Petty & Cacioppo, 1977) and more often results in less overall opinion change (Petty & Cacioppo, 1977)—one key reason as to why sponsors have been reluctant to make sponsorship identification clearer.

Furthermore, Jacks and Devine (2000) found that attitude importance was a key moderator on the effect of forewarning on participants' ultimate attitude toward the advertising content. 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 and Turner's [1979] social identity theory), and source identification. The latter factor highlights the importance of truthful sponsorship identification. How can an individual assess the veracity of the source, or their alignment with the source, if they do not know the true identity of the sponsor?

Transparency in elections, even something as basic as ensuring accountability in sponsorship identification, is non-negotiable for the existence of a working democracy. Allowing the sponsorship of political advertising to exist unchecked is just one failing in a litany of problems that chip away at voters' ability to define political discourse and engage meaningfully in politics. Instead, Nichols and McChesney (2013) argue, "powerful interests—freed to, in effect, buy elections, unhindered by downsized and diffused media that must rely on revenue from campaign ads—now set the rules of engagement" (p. 1.) This is not democracy, they claim, "this is dollarocracy" (p. 1). Transparency, therefore, maintains impact on both an individual and a societal level. If sponsorship identification, and wider electoral transparency are not properly pursued by governmental agencies, then trust in electoral processes, as well as in civic and political institutions, is negatively and potentially irreparably affected. Without rigid oversight, such institutions are left to be controlled by outside interests whose primary modus operandi is economic expansion at the potential cost of egalitarian, democratic politics.

The FCC's Attempts to Regulate Sponsorship Identification

Regulation of ad sponsorship is long-standing, predating radio, the original broadcast medium; regulators "anticipated that broadcasters might abuse their privilege of distributing messages over the airwaves in much the same fashion that publishers had long abused their privilege of distributing publications through the mail" (Kielbowicz & Lawson, 2004, p. 334). However, from the beginning the FCC has struggled in its regulatory mission, partly from "the agency's institutional culture and partly from rapid changes in broadcast production" (Kielbowicz & Lawson, 2004, p. 354). This remains the case for the FCC as it struggles to regulate emerging communications platforms, in addition to navigating new ways in which political groups are circumventing the existing sponsorship requirements.

One such example of the circumvention tactics used by sponsors is the masking of identity through the use of nebulous PAC names. The Campaign Legal Center (CLC), a watchdog group, has submitted several complaints to the FCC centered on political advertisements aired in November 2015 paid for by, and identified on the broadcast as, Independence USA PAC (CLC, 2016). A cursory search of the public record identified Michael Bloomberg as the sole funder of Independence USA, an identifier not indicated in any of the Independence USA-sponsored political advertisements. FEC disclosure reports highlighted that Mr. Bloomberg's contributions accounted for 100% of the PAC's total receipts, with Bloomberg giving more than \$27 million to the group. Indeed, the Independence USA PAC homepage identifies its central focus as the fulfillment of Bloomberg's political efforts. In failing to disclose the true

identity of Independence USA as Michael Bloomberg, broadcasters failed to fully inform the public about who really paid for the ad.

Concerns Informing Research

This research investigates how the latest FCC innovation in illuminating sponsorship identification, the OPIF, increases or fails to increase sponsorship transparency. This study aims to uncover the utility of publicly available political information on television advertising and explores how the FCC can use such technology to bolster its efforts to curtail the nefarious impact of money in politics and the ability of moneyed groups to hijack electoral communications.

Method

Correct Filing Practices for Issue Advertisements

FCC regulations require that a broadcaster's political file contain the specifics of advertising time sold to candidates and issue advertisers. In addition, advertisements from noncandidates pertaining to political matter and controversial issues of public importance require further documentation containing a list of the chief executive officers or executive members of the sponsoring entity. In providing such information, broadcasters must also specify whether the advertisement in question pertains to an issue of national importance such as elections to any federal office or national legislative issues (FCC, 2016a).

An industry-standard form to fulfill sponsorship identification requirements has been created by the National Association of Broadcasters (NAB) and been adopted by nearly all broadcasters uploading political files. Several broadcasters instead use a company-personalized variation on the NAB form that fulfills the same requirements. This NAB form (Figure 1) is uploaded alongside broadcasting details to the FCC's online portal.

Many of the NAB forms used by the examined stations included a printed explanation next to questions of "national importance" that explains 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) a national legislative issues of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation). (NAB, 2013)

**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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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 1. An example of a NAB form which, when properly completed, fulfills FCC requirements.

Procedure

Online political files were gathered through the FCC’s (2016b) OPIF (Figure 2). Files were sought from all broadcasting stations operating in four of the most hotly contested battleground states in the 2016 presidential elections—Pennsylvania, Ohio, Wisconsin, and Florida—totaling 240 stations. Files were then taken from each station, including only filings for 2016 on “Non-Candidate Issues Ads.” Such ads were chosen as they were deemed the most “interesting” as “this is where the mystery-meat groups end up, whether they are buying ads on behalf of federal, state or local candidates” (Kiely, 2016).

A total of 1,220 filings (folders from a particular broadcaster pertaining to a particular advertisement) were examined, only 788 (65%) of which contained fully completed NAB forms (or equivalent). A breakdown of the most prolific misfiling errors can be seen in Table 1.

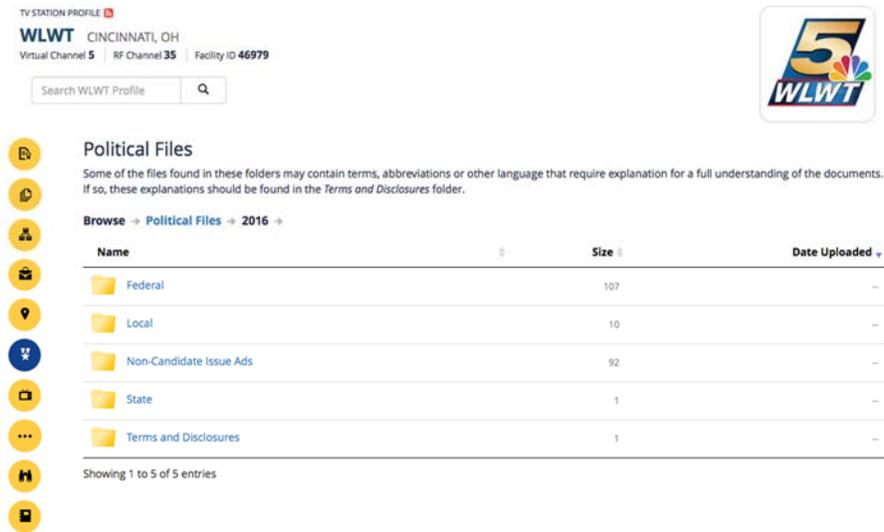


Figure 2. The OPIF interface (July 2016—after a switchover to a new format on June 28, 2016).

Files for each station were examined for their compliance with FCC regulation regarding sponsorship identification. Those failing to comply were noted for their shortcomings, and emergent themes of similar misfiling were explored. A breakdown of the most prolific misfiling errors can be seen in Table 1.

Table 1. Frequency of Common Misfiling Errors (Several Files Contained Multiple Errors).

Type of misfiling error	Frequency	Number of files with this error
NAB form—Incomplete identification of key sponsoring individuals	65%	280
NAB form—Erroneously checked “not of national importance”	15%	65
NAB form complete but no accompanying ad buy details	13%	56
Ad buy detail but no accompanying NAB form	9%	39
Uploaded blank NAB form	2.5%	11

Findings

How Broadcasters Are Falling Short

The most consistent problem found was the uploading of incomplete political files, notably, NAB forms missing vital information about the political content of the ad, ad buys uploaded without an accompanying NAB (or equivalent) form, and completed NAB forms without specifics on when the advertisement aired (Figure 3).

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 10366
 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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Figure 3. NAB form uploaded to WWSB's political file for the Chamber of Commerce.

In March 2016, a significant number of broadcasters, including ABC-affiliates WQOW in Wisconsin and WWSB in Florida, aired advertisements from Our Principles PAC, a Republican PAC that campaigned against 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. Further, some uploaded NAB forms filed under Our Principles PAC were entirely blank.

Individuals attempting to use the FCC online portal to find out more about the advertisements running on their local station would have no knowledge of the nature of the ad according to the political filings alone—far from the transparency the commission hoped open public filings would enable.

Instead, finding out what the political ad the filing is about requires additional online 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 (Figure 4) shows how all their advertisements relate to Donald Trump's presidential bid. While such incomplete filings may be seen as a procedural error—and perhaps not indicative of anything more nefarious—an inability to complete even the most basic of accountability checks is significant. 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.

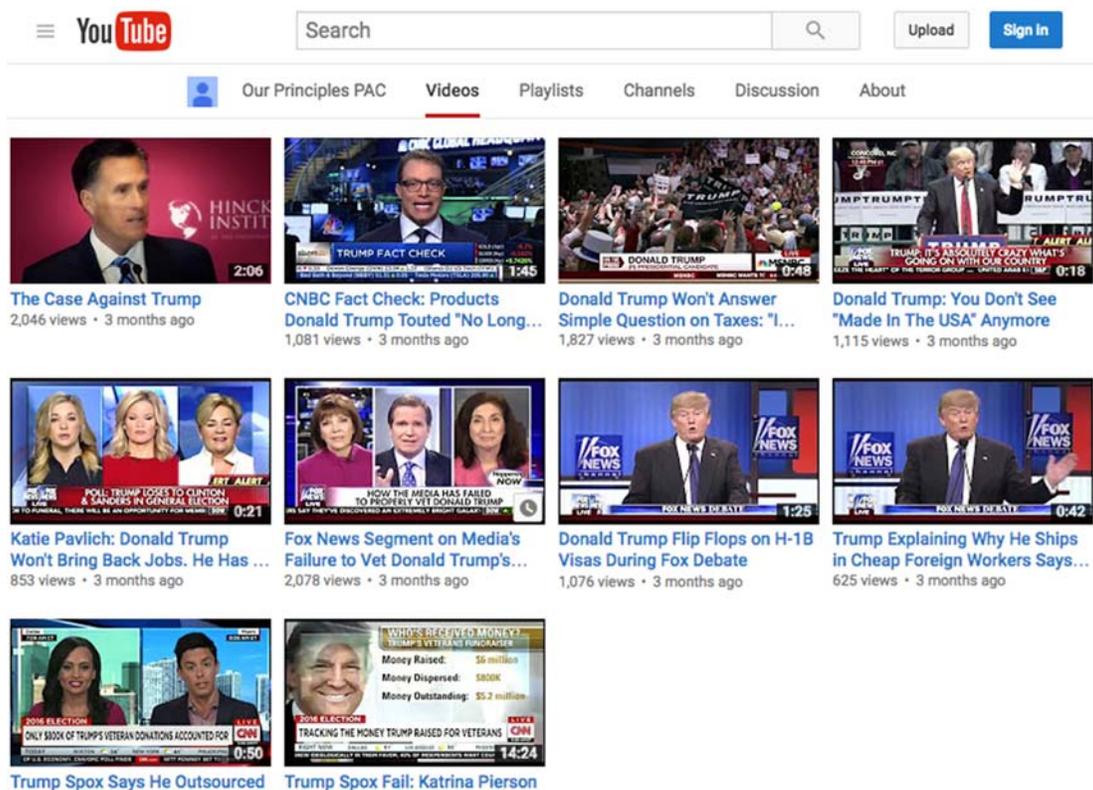


Figure 4. The Our Principles PAC YouTube page.

A second, more deliberate, error found was with broadcasting stations allowing political documents to incorrectly label advertisements as pertaining to content "not of national concern." This was illuminated through 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 Chamber of Commerce supporting Ron Johnson's senate bid (Figure 6). Their accompanying political forms, however, checked that the programming content did not communicate a "message relating to any political matter of national importance" (Figure 5).

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?"	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Figure 5. NAB form uploaded to WFRV's political file for the Chamber of Commerce.

It is difficult to comprehend why the advertisers filling in the form, and the broadcaster whose responsibility it is to perform due diligence on the information received, failed to label the ad correctly. The NAB form used by the Chamber of Commerce 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 once again, the online political files fail to allow individuals to use the FCC's online portal to easily find out 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, contact many PACs and dark money groups would not agree to, nor are they required to.



Figure 6. U.S. Chamber of Commerce's ad played in Wisconsin.

Further instances of advertisements being mistakenly labeled “not of national importance” are highlighted by a cross-comparison of filings of the same advertisement to different broadcasting stations.

For example, advertisements ran by the AARP on several stations in Ohio were reported differently by different broadcasters (Figure 7). 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 advertisement by NBC-affiliate WLWT, however, indicate that the ad referred to presidential candidates and Social Security issues. Furthermore, WLWT's NAB form shows clear signs of due diligence by the station as they 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.

NAB Form PB-18 Issues

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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 CANDIDATES ARE IGNORING SOCIAL SECURITY, IT DRIVES VIEWERS TO 206 TAKEACTION.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 RILEY BARR - DIRECTOR & EXECUTIVE ADVERTISING
JUDY SARKIS - 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 7. WLWT's (left) and WCPO's (right) political filings for the same AARP advertisement shown in Ohio, June 2015.

This disparity in reporting is not a trivial matter as it either denotes a lack of understanding of what is required to meet the FCC's sponsorship identification requirements or a lack of care in the proper fulfillment of such requirements. The latter is perhaps more worrying given its implication that broadcasters recognize the improbability of the FCC to uphold their own requirements.

How the Current Reporting System Falls Short

Of the 240 stations researched over the four states selected, only 10 stations showed clear evidence that they properly looked into those sponsoring political advertisements they were broadcasting. The political files of one such station, WLWT in Cincinnati, Ohio, illuminates the difficulty stations face if they do try to properly identify sponsors as per the aims of the FCC.

NAB forms from the station highlight multiple times in which those completing the files were unable to find further 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 (Figure 8).

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
RN ITR JUVV - BOARD MEMBER
ASKED THE AGENCY FOR MORE NAMES - THEY REFUSED AND WHEN WE GOOGLED THE PAC WE COULDN'T FIND ONE MORE NAME.

Figure 8. NAB forms for Fighting for Ohio (top) and the Constitutional Responsibility Project (bottom).

By asking for the information, despite getting rejected, broadcasters fulfill the requirements of the FCC (2016c) 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” (Section 73.1212b) to enable the broadcaster to make an on-air disclosure. Accordingly, current regulation puts the impetus on disclosure on the broadcaster, making them powerless in situations in which the advertiser refuses to give further information. This results in incomplete filings wherein PACs can pick and choose who they disclose as their chief executive officers or board directors. While in many cases this lack of disclosure is benign, it does highlight a loophole that can be used to distort the true sponsor of ads. Previous complaints brought in front of the FCC by the CLC against Independence USA PAC and Michael Bloomberg highlight why full disclosure of key figures and funders should be an important requirement in political advertising.

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. They do not require, however, that all “reconciliation”—final details of broadcasting times and, importantly, content—be uploaded immediately but that the station identifies a person or persons “capable of informing an advertiser of the details of any reconciliation information” (FCC, 2016a, Section 2). As a result, advertisement time that is purchased far in advance, particularly 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. However, given the lack of FCC oversight seen in the earlier reporting, it is highly doubtful that broadcasters will seek to properly rectify earlier missing reporting prior to actual airing dates (as seen in Figure 9).

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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).

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)

Figure 9. The Democratic Senatorial Campaign Committee (DSCC) purchased numerous advertising slots in Ohio in Fall 2016 with this NAB form. The form shown is tied to more than \$175,000 worth of advertising slots on the WHIO channel.

Data collection for this study 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 make-up of the online folders—beyond the structured "type" and "date" pathway—is both inconsistent and unstructured. Moreover, political files are often labeled unclearly with internal numbered titles of no use to the average user. 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 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 utilize 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.

Such housekeeping issues could be easily resolved by the FCC through a better structuring of their platform; one that could be implemented with the newly improved website. Instead, small inconveniences in the current filing practices render it fairly inaccessible for both members of the public and groups looking to explore the transparency of political advertising. There exists within the public filing

system a gulf between it being public and being truly accessible. Additionally, given the stretched capacity of the FCC, an easily accessible portal for researchers would provide an additional resource to the commission in their pursuit of those attempting to circumvent sponsorship identification laws.

Discussion

Policy Recommendations for the FCC

A large proportion of the misfiling and inefficiencies revealed by public files can be easily remedied. Seemingly, the largest impact the FCC could have in making these files truly accessible to the public is through a simple process of standardization of filing and uploading. Not only would this make for a portal that is clearly accessible to the average television viewer seeking more information, but it would also ensure that missing and falsified filings could be easily traced. A strict labeling of dates would transform the portal into an easily navigable system and ensure that broadcasters would be required to upload sponsorship identification information alongside the actual ad buy details it actually pertains to.

The implementation of an FCC-standardized political information form, rather than the current reliance on (albeit not blanket use of) the NAB form should also be considered. The current NAB form does, when properly completed, provide the reader with decently sufficient sponsorship information. However, as the data highlights, incomplete forms are uploaded with regularity. An FCC-approved form would leave little room for incomplete filings and could force broadcasters to ensure specific details about the content of the ad are included on the form to make it recognizable to the average viewer. A standardized form could also preempt issues associated with early disclosure by including full information of those who will later update the form in light of later-decided advertising content.

The carelessness with which many broadcasters have attempted to fulfill sponsorship identification requirements through the uploading of political files highlights a more substantive issue facing the FCC. Seemingly, and proven by a lack of action from 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 the FCC has little oversight over the OPIF. Oversight could be dramatically improved by the administrative improvements highlighted above, yet until the FCC actively pursues cases wherein broadcasters fail to provide substantial sponsorship information, they will continue to be seen as toothless. In rectifying this image, the FCC must pursue more substantive changes to reporting, including an extension of broadcasters' "due diligence" to include the funders of the sponsoring groups. Common sense and an eye for transparency would suggest that the true identity of a sponsor is best illuminated by looking at who controls the purse strings, yet current provisions allow broadcasters' shortcuts by asking merely for the names of the board of directors. 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 ability to hide aspects of their true identity to the viewing public.

Thanks to the inefficiencies of the OPIF, research into sponsorship identification is prohibitively time-consuming. Accordingly, its use as a tool for public use is highly questionable. The FCC can take a

number of immediate actions to increase its viability as a platform for public use through several small steps toward standardizing uploading practice. In the long run, however, the commission must assert its power in ensuring political files are correctly maintained and seek alterations in current regulation to bolster its importance in the eyes of broadcasters and sponsoring groups. Without such measures, the online file will continue to provide little use to not only the public but to watchdog groups and to the FCC itself.

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