



California Fair Political Practices Commission

September 14, 1988

Richard B. Morten
San Franciscans Against Blank Checks-
No On Proposition K
465 California Street, 9th Floor
San Francisco, CA 94101

Re: Your Request for Advice
Our File No. A-88-293

Dear Mr. Morten:

You have requested advice under the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/}

QUESTION

Is the receipt of free advertising time provided by a radio station to your campaign committee reportable as an in-kind contribution?

CONCLUSION

If the radio station has a policy of providing free advertising time to both sides of a campaign or a particular campaign issue, the free time is not a reportable contribution.

FACTS

You are the general manager of a campaign committee, San Franciscans Against Blank Checks - No on Proposition K, a ballot measure voted upon in San Francisco's June 1988 election. When you learned that the committee supporting Proposition K intended to purchase radio advertising time, you contacted radio stations and asked for free time to air a "No on K" advertisement. Six of the seven stations you contacted agreed to provide the free air time. In light of the abolishment of the Federal Communications Commission's

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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"Fairness Doctrine," you have asked whether the free time received by your committee is an in-kind contribution by the radio stations which provided it.

Section 82015 defines "contribution," and sets out circumstances under which a candidate or committee has received a reportable contribution. The definition includes:

... the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office;...^{2/}

We believe this provision was included in the definition of contribution for the purpose of ensuring that the public have access to both sides of issues on which they are to vote. Allowing the media to provide free advertising time on an equal basis to opposing candidates, and to those supporting and those opposing ballot issues, serves the interests of the public in receiving information needed to make an informed decision at the polls.

The requirement in Section 82015 that the radio or television station or the newspaper extend the policy of providing equal time to all candidates for the same office (or to both sides of an issue in the case of ballot measures) ensures that the exception for free media advertising time will be utilized as a method of providing information to the public on campaign issues. A media provider which did not extend the opportunity for free advertising time to all candidates for the same office, or to both sides of a ballot issue, would be deemed to be making contributions to the candidate or committee which received the free time.^{3/}

^{2/} We believe this provision applies equally to committees supporting and opposing ballot measures.

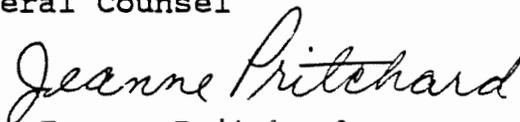
^{3/} It is not necessary that the station or newspaper actually provide free advertising time to each candidate or side of an issue. The intent of the provision in Section 82015 will be met as long as the station or newspaper has a policy that it will provide equal time to each candidate or to committees for both sides of a ballot measure which requests free advertising time.

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If you have any questions about this letter, please contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



By: Jeanne Pritchard
Division Chief,
Technical Assistance and
Analysis Division