

Preparing for the 2004 Political Campaign Season

A previous **Special Bulletin** with this title, published on October 31, 2003, contained incorrect information due to an editing error regarding the 60-day pre-election period for the November 2, 2004 election. *That pre-election period will begin on September 3, 2004.* In addition, information regarding Washington state presented in the table was incomplete. A corrected version of the entire table is included with this **Special Bulletin**. We apologize for the errors. Following is the corrected text of the October 31 **Special Bulletin**:

With the 2004 political campaign season underway, and with many states holding their presidential primaries, caucuses or conventions in January and February, broadcasters should prepare for political advertising requests to begin pouring in at an accelerated rate. The FCC's political broadcasting rules are among the most complex regulations directed toward broadcasters, and of course are enforced in a significantly high profile fashion.

Stations should review their political advertising policies and their material disclosing those policies to potential political advertisers in order to ensure that the policies are accurate and current.

A key element of complying with the FCC's rules in this area is ensuring that a station is charging only its "lowest unit charge" for "uses" of the station by "legally qualified candidates for public office" during the 45-day period prior to a primary election. These terms and their application are explained in our **Political Broadcasting Advisory**.

To aid stations preparing for the political season, we have included in this **Special Bulletin** a table listing the primary or caucus date for all states and possessions, along with the beginning date of each 45-day period, for both the 2004 presidential and 2004 congressional elections. While the information that we have compiled is believed to be reliable, we urge stations to confirm the information with their state broadcasters' associations and local election authorities.

With many presidential primaries, caucuses and conventions occurring in January and February, some

45-day periods will begin in November and December 2003. As a result, it is not too early to begin planning for compliance with the Commission's rules.

Stations should also note that they must provide the lowest unit charge during the 60-day period immediately preceding the general election on November 2, 2004. That period begins on September 3, 2004.

For a full discussion of the rules regarding political advertising, we direct your attention to our **Political Broadcasting Advisory**, as well as our **Political Advertising Policy Disclosure Advisory for Radio Stations** and our **Political Advertising Policy Disclosure Advisory for Television Stations**. All of these publications are available on the firm's website, www.shawpittman.com. For more information on your rights and responsibilities in this important area, please contact any of the lawyers in the Communications Practice Group.

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2004 Presidential and Congressional Election Dates and Lowest Unit Charge Periods

(Data as of October 29, 2003; source: Federal Election Commission and state broadcasters associations)

The general election is November 2, 2004. As a result, the 60-day period for lowest unit rate begins on September 3, 2004. The state primary, caucus or convention dates and lowest unit rate periods applicable are listed below. Unless otherwise indicated, all dates are 2004. The Democratic Party is indicated by "D" and the Republican Party is indicated by "R."

Presidential Races

Congressional Races

State	Start of 45-Day Period	Primary, Caucus or Convention Date	Start of 45-Day Period	Primary, Caucus or Convention Date
Alabama	April 17	June 1	April 17	June 1
Alaska		Pending	July 10	August 24
American Samoa		Pending	September 18, 2003	November 2, 2003
Arizona	December 20, 2003	February 3	July 24	September 7
Arkansas	April 3	May 18	April 3	May 18
California	January 17	March 2	January 17	March 2
Colorado	February 28	April 13 (D-Caucus)	June 26	August 10
Connecticut	January 17	March 2	June 26	August 10*
Delaware	December 20, 2003	February 3	July 28	September 11
District of Columbia	November 29, 2003 December 27, 2003 December 31, 2003	January 13 February 10 (R-Caucus) February 14 (D-Caucus)	July 31	September 14
Florida	January 24	March 9	July 17	August 31
Georgia	January 17	March 2	June 5	July 20
Guam		Pending	July 21	September 4
Hawaii	January 10	February 24 (D-Caucus)	August 4	September 18
Idaho	April 10 January 10	May 25 February 24 (D-Caucus)	April 10	May 25
Illinois	January 31	March 16	January 31	March 16
Indiana	March 20	May 4	March 20	May 4
Iowa	December 5, 2003	January 19 (Caucus)	April 24	June 8

Kansas	January 28	March 13 (D-Caucus)	June 19	August 3
Kentucky	April 3	May 18	April 3	May 18
Louisiana	January 24	March 9		NA**
Maine	December 25, 2003	February 8 (D-Caucus)	April 24	June 8
Maryland	January 17	March 2	January 17	March 2
Massachusetts	January 17	March 2	July 31	September 14
Michigan	December 24, 2003	February 7 (D-Caucus)	June 19	August 3
Minnesota	January 17	March 2 (Caucus)	July 31	September 14
Mississippi	January 24	March 9	January 24	March 9
Missouri	December 20, 2003	February 3	June 19	August 3
Montana	April 24	June 8	April 24	June 8
Nebraska	March 27	May 11	March 27	May 11
Nevada	December 31, 2003	February 14 (D)	July 24	September 7
New Hampshire	December 13, 2003	January 27	July 31	September 14
New Jersey	April 24	June 8	April 24	June 8
New Mexico	December 20, 2003 April 17	February 3 (D) June 1	April 17	June 1
New York	January 17	March 2	August 1	September 15
North Carolina	March 20	May 4	March 20	May 4
North Dakota	December 20, 2003	February 3	April 24	June 8
Ohio	January 17	March 2	January 17	March 2
Oklahoma	December 20, 2003	February 3	June 12	July 27
Oregon	April 3	May 18	April 3	May 18
Pennsylvania	March 13	April 27	March 13	April 27
Puerto Rico		Pending	September 25, 2003	November 9, 2003
Rhode Island	January 17	March 2	July 31	September 14
South Carolina	December 20, 2003	February 3	April 24	June 8
South Dakota	April 17	June 1	April 17	June 1

Tennessee	December 27, 2003	February 10	June 21	August 5
Texas	January 17	March 2	January 17	March 2
Utah	January 13	February 27***	May 8	June 22*
Vermont	January 17	March 2	July 31	September 14
Virginia	December 27, 2003	February 10	April 24	June 8*
Virgin Islands		Pending	July 28	September 11
Washington	December 24, 2003 January 24	February 7 (D-Caucus) March 9 (R-Caucus)	July 31	September 14
West Virginia	March 27	May 11	March 27	May 11
Wisconsin	January 3	February 17	July 31	September 14
Wyoming	March 31	May 15 (D)	July 3	August 17

Notes

* In Connecticut and Utah, conventions are held by the political parties prior to the primary. In Virginia, parties may choose to nominate by convention rather than by primary election. (In other states, such as Indiana, Kansas, Michigan, South Carolina, Texas and West Virginia, it is possible that minor parties may schedule conventions to nominate candidates.)

** In Louisiana, a Congressional primary election is not held. The election for candidates seeking federal office is the General Election scheduled for November 2, 2004. If necessary, a Runoff Election will be held on December 4, 2004.

*** In Utah, the holding of the Presidential primary election is dependent upon funding by the legislature.