

By: Representative Mayo

To: Apportionment and  
Elections

## HOUSE BILL NO. 144

1 AN ACT TO REQUIRE CERTAIN BROADCASTING STATIONS THAT RECEIVE  
2 PUBLIC FUNDS TO AFFORD EQUAL OPPORTUNITY IN USE OF THEIR STATIONS  
3 TO ALL CANDIDATES FOR OFFICE; TO REQUIRE BROADCASTING STATIONS TO  
4 ALLOW EQUAL OPPORTUNITY AND TIME FOR REBUTTALS TO POSITIONS TAKEN  
5 BY ITS ON-AIR ANNOUNCERS OR COMMENTATORS DURING A CERTAIN PERIOD  
6 OF TIME BEFORE AN ELECTION; TO LIMIT THE RATE AMOUNT CHARGED BY  
7 BROADCASTING STATIONS TO CANDIDATES WHO USE THE STATIONS IN  
8 CONNECTION WITH A CAMPAIGN FOR PUBLIC OFFICE; TO PROVIDE THAT A  
9 CANDIDATE CAN ONLY RECEIVE CERTAIN RATES IF THAT CANDIDATE  
10 PROVIDES WRITTEN CERTIFICATION TO THE BROADCASTING STATION; TO  
11 REQUIRE BROADCASTING STATIONS TO MAINTAIN A COMPLETE AND  
12 VERIFIABLE RECORD OF REQUESTS TO PURCHASE BROADCAST TIME BY OR ON  
13 BEHALF OF CANDIDATES; TO AUTHORIZE THE SECRETARY OF STATE TO  
14 PRESCRIBE ANY RULES AND REGULATIONS AS IT MAY DEEM NECESSARY TO  
15 CARRY OUT THE PROVISIONS OF THIS ACT; TO EXEMPT FROM THIS ACT ANY  
16 MEDIA EDITORIAL THAT STATES THE OFFICIAL POSITION OF THE LICENSEE;  
17 AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** For purposes of this act, the following terms  
20 shall have the meanings ascribed in this section, unless the  
21 context clearly indicates otherwise:

22 (a) "Authorized committee" means any political  
23 committee authorized by a candidate to receive contributions or  
24 make expenditures on behalf of the candidate.

25 (b) "Broadcasting station" means a radio or television  
26 station and includes a community antenna television system.

27 (c) "Candidate" means a person who has been duly  
28 qualified as a candidate for state or federal public office under  
29 applicable state or federal election laws and any authorized  
30 committee of such candidate.

31 (d) "Public funds" means any monies from the federal  
32 government, the state, county, municipality or political  
33 subdivision of the state.



34           SECTION 2. (1) (a) If a broadcasting station that receives  
35 public funds allows a candidate to use such station for any  
36 purpose in connection with his or her campaign for public office,  
37 the broadcasting station shall give all other candidates an equal  
38 opportunity to use such station for a similar purpose. The  
39 broadcasting station shall have no power of censorship over a  
40 candidate's material which is broadcast under the provisions of  
41 this section.

42           No obligation is imposed under this subsection upon any  
43 broadcasting station to allow the use of its station by a  
44 candidate.

45           (b) The meaning of the words "use of a broadcasting  
46 station" shall not include an appearance by a qualified candidate  
47 on a: (i) bona fide newscast, (ii) bona fide news interview,  
48 (iii) bona fide news documentary, if the appearance of the  
49 candidate is incidental to the presentation of the subject or  
50 subjects covered by the news documentary; or (iv) on-the-spot  
51 coverage of bona fide news events including, political conventions  
52 and activities incidental to such events.

53           (c) Nothing in this subsection relieves a broadcasting  
54 station from the obligation to operate in the public interest and  
55 to afford reasonable opportunity for the discussion of conflicting  
56 views on issues of public importance, in connection with the  
57 presentation of newscasts, news interviews, news documentaries and  
58 on-the-spot coverage of news events.

59           (2) If an on-air announcer or commentator of a broadcasting  
60 station expresses his or her position favoring or opposing an  
61 issue or a candidate within forty-five (45) days before the date  
62 of a primary or primary runoff election and during sixty (60) days  
63 before the date of a general or special election in which a person  
64 is a candidate for public or federal office, then the broadcasting  
65 station shall afford equal opportunity and time for rebuttal of



66 the on-air announcer's or commentator's position in a similar  
67 manner.

68 (3) (a) Any rates charged by a broadcasting station to a  
69 candidate shall be comparable to those rates charged by the  
70 station to other users.

71 (b) Any rates charged by a broadcasting station to a  
72 candidate for use of such station in connection with his or her  
73 campaign for public office within forty-five (45) days before the  
74 date of a primary or primary runoff election and sixty (60) days  
75 before the date of a general or special election in which that  
76 person is a candidate shall not exceed the lowest unit charge of  
77 the station for the same class and amount of time for the same  
78 period.

79 (c) A candidate shall be entitled to receive the lowest  
80 unit charge of the station for the same class and amount of time  
81 for the same period as provided in this section, if the candidate  
82 provides written certification to the broadcast station that the  
83 candidate shall not make any direct reference to another candidate  
84 for the same office, unless such direct reference meets the  
85 requirements of this section.

86 Certifications under this section shall be provided and  
87 certified as accurate by the candidate or any authorized committee  
88 of the candidate at the time of purchase.

89 (d) All television broadcasts of a candidate shall  
90 include (i) a clearly identifiable photographic or similar image  
91 of the candidate, and (ii) a clearly readable printed statement  
92 which identifies the candidate, states that the candidate has  
93 approved the broadcast and states whether the candidate or an  
94 authorized committee of the candidate paid for the broadcast, at  
95 the end of the broadcast, simultaneously for a period no less than  
96 four (4) seconds.

97 (e) All radio broadcasts of a candidate shall include a  
98 personal audio statement by the candidate that identifies the



99 candidate, the office the candidate is seeking, and indicates that  
100 the candidate has approved the broadcast.

101 (f) If a candidate or any authorized committee of that  
102 candidate makes a direct reference to another candidate that does  
103 not meet the requirements for television and radio broadcasts,  
104 then that candidate shall not be entitled to receive the rate  
105 provided by this section during any portion of the forty-five-day  
106 and sixty-day periods described in paragraph (b) of this section,  
107 that occur on or after the date of that broadcast, for election to  
108 public office.

109 (4) The Secretary of State is authorized to prescribe any  
110 rules and regulations as he may deem necessary to carry out the  
111 provisions of this section.

112 (5) (a) A broadcasting station shall maintain, and make  
113 available for public inspection, a complete and verifiable record  
114 of any request to purchase broadcast time, which is:

115 (i) Made by or on behalf of a legally qualified  
116 candidate for public office; or

117 (ii) Communicates a message relating to any  
118 political matter of national importance, including:

119 1. A legally qualified candidate;

120 2. Any election to federal office; or

121 3. A state or national legislative issue of  
122 public importance.

123 (b) A record required by paragraph (a) of this  
124 subsection (5) shall contain the following information:

125 (i) Whether the request to purchase broadcast time  
126 is accepted or rejected by the broadcasting station;

127 (ii) The rate charged for the broadcast time;

128 (iii) The date and time on which the communication  
129 is aired;

130 (iv) The class of time that is purchased;



131 (v) The name of the candidate to which the  
132 communication refers and the office to which the candidate is  
133 seeking election, the election to which the communication refers,  
134 or the issue to which the communication refers, as applicable;

135 (vi) The name of the candidate, the authorized  
136 committee of the candidate, and the treasurer of that committee,  
137 if the request is made by, or on behalf of a candidate; and

138 (vii) The name of the person purchasing the time,  
139 the name, address, and phone number of a contact person for such  
140 person, and a list of the chief executive officers or members of  
141 the executive committee or of the board of directors of such  
142 person, for any other requests.

143 (c) The information required under this subsection (5)  
144 shall be retained by the broadcasting station for a period of not  
145 less than two (2) years and shall be open for public inspection.

146 (6) The requirements of this section shall not apply to any  
147 media editorial if it is stated in the on-air announcement of the  
148 radio broadcast or provided in the written disclaimer of a  
149 television broadcast that the stated position is the official  
150 position of the station.

151 **SECTION 3.** This act shall take effect and be in force from  
152 and after July 1, 2010.

