

## POLITICAL ADVERTISING POLICY DISCLOSURE STATEMENT

KWCH AND KSCW – WICHITA, KANSAS

### 1. Applicability

This policy describes the political advertising policies of Gray Media Group, Inc., [d/b/a KWCH,KBSD,KBSH/L, NWCH, and KSCW in the Wichita Designated Market Area adopted in compliance with the requirements, rules and regulations of the Federal Communications Commission. These policies apply to purchases of advertising time for “uses” by legally-qualified candidates for public office (i.e., spots which feature the candidate’s recognizable voice or likeness and are controlled, sponsored or approved by the candidate or the candidate’s authorized committee), including advertising time for candidate-authorized coordinated buys. These policies do not apply to third-party ads, such as those purchased by political action committees, political parties, or issue advertisers.

### 2. Access

Reasonable access will be provided to all Federal candidates and legally qualified candidates in certain state and local races. In order to comply with its equal opportunities obligations, the Station reserves the right to limit the amount of time made available for candidates for state or local races. The Station does not separate competitive political advertisements. Thus, a candidate’s spots may be aired “back-to-back” with their opponent’s spots.

### 3. Classes of Time

The Station offers the following classes of time. All rates quoted are for: 30 spots; other length spots (:60) (:15) may be available upon request.

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**Level 1 – Fixed (non-preemptible).** These spots are guaranteed to air at the scheduled time or during a set time period, except in the event of unforeseen program changes or technical difficulties. Makegood offers will be provided.

**Level 2 – Preemptible with 48 hours notice.** These spots can be preempted by Level 1 spots with 48 hours notice to the purchaser. Once the notice deadline has passed, spots of this class will air, subject to unforeseen program changes or technical difficulties. Makegood offers will be provided. In periods of high demand, P2 is the designated “bump” rate when time periods are sold out at P3 and P4.

Based on its experience, Station management currently estimates that Level 2 spots will be preempted approximately fifteen to twenty percent (15-20%) of the time; provided, however, that in certain key Time Periods and/or Programs, the risk of preemption may be substantially greater.

**Level 3 – Preemptible with 24 hours notice.** These spots can be preempted by Level 1 or Level 2 spots with 24 hours notice to the purchaser. Once the notice deadline has passed, spots of this class will air, subject to unforeseen program changes or technical difficulties. Makegood offers will be provided, inventory allowing, but not guaranteed.

**Level 4 – Preemptible with no notice.** These spots can be preempted by Level 1, Level 2 or Level 3 spots with no notice to the purchaser. Makegoods are not guaranteed.

**Other Class of Time, Special Programs.** Other classes of time, special program spots (sporting events, annual entertainment events), or packages may be available. Rates for these spots are available upon request.

#### **4. Lowest Unit Rate**

The lowest unit charge is the lowest rate paid for the same class, time-period and amount of time that clears. The station will provide its lowest unit rate within a class of time to legally qualified candidates and their authorized committees for candidate-authorized uses in the pre-election period 45 days before a primary election and 60 days before a general or special election. Outside of the 45-days and 60-days periods before primary and general elections, the Station will sell time to candidates at the current effective selling rate for comparable commercial advertisers.

Window for primary election opens: June 22, 2024

Window for general election opens: September 6, 2024

#### **5. Preemption/Rebates**

If a lower priced spot clears in the same class and time-period, the station will rebate the difference to the candidate. The station reviews its records on a weekly basis. Candidates will be given the option of receiving a makegood or credit toward future purchases or receiving a rebate.

Political Advertisers are cautioned that the risk of preemption may change significantly, especially during high-demand periods leading up to an election, and that such changes may be material. Political Advertisers should periodically call the Station to obtain the Station's then-current estimate of the risk of preemption for any purchased schedule.

#### **6. Make Goods**

It is the policy of KWCH and affiliated stations to offer all political candidates "makegoods," prior to the election, for candidate "use" spots that are preempted in P1, P2, and P3 classes of time. KWCH and affiliated stations have offered time-sensitive make goods for the same class of time to any commercial advertiser within the past year. KWCH and affiliated stations cannot

guarantee, however, that time-sensitive make goods can be provided in the time period or rotation originally ordered. If inventory constraints make identical scheduling impossible, stations will offer make goods of equivalent value. If these are not acceptable to the candidate, stations will provide credits or refunds for preempted spots.

## **7. Sponsorship ID**

All political advertisements must contain sponsorship identification that complies with Section 73.1212 of the FCC's rules and with applicable federal and state election laws. Such sponsorship ID must fully and accurately identify the organization or individual that has paid for the spot using the terms "paid for by" or "sponsored by."

Section 73.1212 requires political spots to contain visual sponsorship identification in letters not less than 4% of total picture height broadcast for not less than four seconds. The station will add the required sponsorship identification to any spots not containing it and will charge candidates for production costs in doing so on the same basis as would be applicable to commercial advertisers. THE STATION WILL NOT ADD TIME TO THE LENGTH OF A SPOT TO ACCOMMODATE SPONSORSHIP IDENTIFICATION.

Additionally, advertisements for federal candidates must also include a statement that identifies the candidate and states that he or she approved the communication. The candidate must convey the statement either through an unobscured full-screen view while identifying themselves and making the required statement, or by including a voice-over in which the candidate identifies himself and makes the required statement while a clearly identifiable photographic or similar image – which must occupy at least 80% of the vertical screen height – appears on screen. If the spot makes a direct reference to another candidate for the same office, then the end of the spot must include a similar statement in writing. The written statement must appear in letters no smaller than 4% of the vertical picture height and must remain on screen for a period of at least four seconds. The written statement should also state the name of the person or entity that sponsored or paid for the spot.

## **8. Sponsorship ID and LUC for Federal Candidates**

In compliance with Bipartisan Campaign Reform Act of 2002 ("BCRA"), a federal candidate is only eligible to receive the station's lowest unit rate if the candidate or the candidate's authorized committee, certifies to the Station that the proposed political advertisement will not make a direct reference to an opponent candidate unless the spot complies with the enhanced disclosure requirements of BCRA. The enhanced BCRA disclosure requirement requires that the spot contain a clearly identifiable photo or image of the candidate, and a clearly readable statement that identifies the candidate, states that he or she approved the broadcast, and that his or her authorized committee paid for the spot. If a federal candidate does not provide the required

certification or does not comply with the enhanced disclosure requirements, he or she is not entitled to receive the station's lowest unit rate for the remainder of the time leading up to the election for that office.

**9. Ratings.** We may negotiate with an advertiser to provide a certain agreed upon audience delivery rating for a specific advertising purchase. We do not provide cash refunds or rebates to any advertiser as a result of our failure to deliver an estimated audience rating, rather we will offer make-good spots. The provision of such make-good spots will be governed by the terms of our agreement with the advertiser, are subject to other time demands, availabilities, and may not be available in the same time periods as the original schedule. Political advertisers should note that the ability of the station to offer make-good spots for audience under-delivery may be limited or unavailable due to lack of audience ratings data or inventory or timing constraints during the political season.

**10. Agency Commission.** The Station provides a 15 percent discount for ad buys made by an advertising agency. Political candidates and authorized campaign committees who purchase time without an advertising agency will receive a 15 percent discount.

**11. Placing an Order.** Orders for time will not be considered firm, until the Station has received the following :

- A complete, accurate and signed NAB PB-19 Form (or all information required by this form);
- Proof that a candidate is legally qualified;
- Proof that a purchaser is a candidate's authorized committee; and
- Advance payment for ordered time.

Note: Advance orders for schedules of political advertising will be subject to reconfirmation on the later date of the date payment is received or thirty (30) days before the start of the schedule and are not considered final until that time.

**12. Traffic Instructions and Deadlines.**

All traffic instructions, and any changes, must be received in writing. The Station will accept spots delivered by: *electronically, satellite feed, .ftp, etc.*]

In order to ensure sufficient time to conduct pre-broadcast review of spots, candidates must respect the following order deadlines.

LOG FOR	ORDER DEADLINES
MON-SUN	Two business days prior to air date

**13. Station Access/Production.**

The Station will permit federal candidates (but not state and local candidates) to change and edit copy outside of regular business hours on the weekend before the election. Contact the station for more specifics.

The Station may make production facilities available for political advertisements and programs, subject to availability. Production charges are handled separately from time charges. Contact Wes Good @ wesley.good@gray.tv for information and rates.

**14. Cancellation.** An advertiser who has paid in advance for a flight of advertisements may cancel that flight, or any part thereof, five (5) or more days before the first spot is scheduled to run for a full refund or credit. Any advertiser who cancels less than five (5) but more than two (2) days before the first spot is scheduled to be run will receive a refund or credit for 50% of the amount paid for the cancelled spots. Any advertiser who cancels two (2) or fewer days before the first spot is scheduled to be run will receive no refund or credit for the cancelled spots.]

**15. Election Day Schedules.** The Station will air political ads on Election Day until 7PM CST. All requests for Election Day availabilities must be received by close of business on the Tuesday prior to the election.

**16. Public File.** The Station maintains an online political file. Information in this file can be found at <https://publicfiles.fcc.gov/>.

**17. Non-Discrimination.** Stations licensed to Gray Television do not discriminate in the sale of advertising time and will accept no advertising which is placed with intent to discriminate on the basis of race or ethnicity. The parties to an agreement for the sale of advertising time on a station licensed to Gray Television affirm that nothing in that agreement will discriminate in any way on the basis of race or ethnicity.

**18. Commercial Advertising Loudness Mitigation Act (CALM Act) Certification.** By purchasing time on the Station, each advertiser certifies that it has properly measured the loudness of the commercial or other content and has accurately reported that loudness, consistent with the Advanced Television Systems Committee (ATSC)'s "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (A/85), and any successor thereto approved by the ATSC.

KWCH – KSCW, WICHITA, KANSAS

**ACKNOWLEDGEMENT**

Advertiser has been advised that a variety of classes of time (preemptible and non-preemptible) and package options are available to advertisers at a variety of rates, and the purchaser has been furnished with all requested information concerning classes, rates, discounts, preemptibility, and package plans.

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Station Acknowledgement of Disclosure to Candidate  
or Representative

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Printed Name of Candidate

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Printed Title of Office Candidate is seeking

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How disclosure made available to Candidate or  
Representative (fax, mail, in person, e-mail, etc.)

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Phone Number of Candidate

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E-mail of Candidate or Representative

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Date