

# Reminder About Coordination and Electioneering Communication Deadlines

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With the 2012 election cycle well underway, corporations, trade associations and others should not forget about the upcoming coordinated and electioneering periods for the presidential primaries. Although the tendency may be to relax with the general election still 12 months away, the onset of primary season presents a number of compliance and reporting challenges that are worth a quick refresher.

Under federal campaign finance law, certain public communications coordinated with a federal candidate or political party are treated as contributions to the candidate or political party. This means that persons who are prohibited by federal law from contributing to candidates and political parties - *e.g.*, corporations and labor unions - also are prohibited from coordinating these public communications with candidates and political parties. Similarly, persons who are permitted to contribute within federally imposed limits - *e.g.*, individuals and political committees - may only spend money on coordinated communications that do not exceed those limits. For presidential candidates, these coordination "black-out" periods begin 120 days before the primary. The chart below provides some of the important deadlines for the early states.

The other important deadline is for "electioneering communications," which are cable, satellite or broadcast communications that mention a candidate and are distributed to the relevant electorate within certain preelection time periods. Although corporations may make electioneering communications under *Citizens United v. FEC*, 130 S. Ct. 876 (2010), it also is important to remember that certain communications featuring presidential candidates will trigger reporting requirements if made during the 30 days before a primary.

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Again, the chart below provides the relevant deadlines in the early states.

These rules, and particularly the coordination restrictions, can be a trap for the unwary. Before you issue any communications related to or mentioning a candidate, make sure that you are not unwittingly making an in-kind contribution or triggering a reportable event. State Party Presidential Primary Date Electioneering Communication Window Begins Coordination Window Began Iowa Both January 3, 2012 December 4, 2011 September 5, 2011 New Hampshire Both January 10, 2012 December 11, 2011 September 12, 2011 Nevada Democrat January 21, 2012 December 22, 2011 September 23, 2011 South Carolina Republican January 21, 2012 December 22, 2011 September 23, 2011 South Carolina Democrat January 28, 2012 December 29, 2011 September 30, 2011 Florida Both January 31, 2012 January 1, 2012 October 3, 2011