INSIDE TRACK PRODUCTIONS
PO Box 2128, Tucson, AZ 85702
(520)297-1969 e-mail emilfranzi @aol.com

2005 OCT 19 A 9: 11

October 11, 2005

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2005 OCT 13 A 10: 23

Federal Elections Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

AOR 2005-19

Gentlemen:

I would like to request a formal Advisory Opinion relating to the Bipartisan Campaign Reform Act. My situation is this:

I operate a radio talk show known as "The Inside Track."

In operating the talk show, I do business as a for-profit corporation, Paradigm Shift Productions, an Arizona (s) corporation.

The program is broadcast over KJLL, a station in Tucson, Arizona. It is capable of reaching over 50,000 listeners in the area; indeed it covers the virtually the entire of the metropolitan area, which has over 400,000 population. It is certainly capable of reaching over 50,000 listeners able to vote in our U.S. Senate races, and over 50,000 in U.S. House District 8, and probably in District 7 as well.

I frequently discuss politics, in fact it is the major focus of my show. In the upcoming 2006 elections I plan to discuss candidates for House and Senate office in Arizona, and interview some as well.

My financial arrangements are as follows: Paradigm Shift buys airtime from KJLL for the show, and I then find advertisers on my own to pay for the airtime. I am not an employee of KJLL.

I see in BCRA a prohibition against any corporation funding "electioneering communications," which appear to include any purchase of airtime in which a candidate is mentioned or clearly identified within 30 days of a primary or 60 days of a general election.

The questions on which I seek advice are as follows:

1. May my show mention or clearly identify a candidate within the above timeframes before the 2006 elections?

2. May my show permit a candidate to appear and be interviewed on my show within those timeframes?

3. If a person calls in and mentions a candidate, may I respond in kind, mentioning or identifying the candidate?

4. If I cannot do any of the above, could I do so if Paradigm were to change the arrangement with KJLL to one of barter, where Paradigm retains the right to sell perhaps half the advertising slots on my shows, and gives KJLL the right to sell the other half and keep that income?

I am currently not the only talk show host in Tucson or Arizona operating under the above conditions, so I suspect that others will have similar questions.

Sincerely,

Emil Franzi
emilfranzi@aol.com

Daniel K Abramson /FEC/US
10/18/2005 02:46 PM

To emilfranzi@aol.com
cc
bcc
Subject Advisory Opinion Request from Inside Track Productions

Dear Mr. Franzi:

This email is to confirm the substance of our phone conversation on October 18, 2005. During our conversation you told me that neither Paradigm Shift Productions, the corporation which owns your radio program, or KJJL, the station which airs your radio program, are in any way owned or controlled by any political party, political committee, or candidate. In addition, you stated that you personally are not affillitaed with any political party, political committee, or candidate, with the exception of your voter registration. Finally, you stated that you are not a candidate for Federal office.

If any of this information is erroneous please contact me as soon as possible.

Thank you,
Daniel Abramson
Office of the General Counsel
Federal Election Commission
Tel: (202) 694-1345
DAbramson@fec.gov