



Written by [D. Michael DeRidder](#) on November 4, 2024

FCC Commissioner: NBC Evaded “Equal Time” Rule in Favor of Harris

Federal Communications Commission (FCC) Commissioner Brendan Carr criticized broadcaster NBC for evading the FCC’s “Equal Time” rule [established in 1934](#), which requires broadcast stations to provide the same amount of airtime for political candidates.

Vice President Kamala Harris made a guest appearance on NBC’s *Saturday Night Live* (SNL) on November 2, less than 72 hours before election day. Carr said that NBC’s actions blatantly evaded FCC rules, [stating in a post on X](#):

This is a clear and blatant effort to evade the FCC’s Equal Time rule. The purpose of the rule is to avoid exactly this type of biased and partisan conduct — a licensed broadcaster using the public airwaves to exert its influence for one candidate on the eve of an election. Unless the broadcaster offered Equal Time to other qualifying campaigns.



YouTube

Kamala Harris in a last-minute appearance on NBC's Saturday Night Live



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Brendan Carr ✓
@BrendanCarrFCC

REMINDER re: NBC / SNL candidate appearances...

The federal Equal Time rule requires broadcast stations to afford *all legally qualified candidates* rights to use airtime / facilities.

RFK Jr, Jill Stein, Hung Cao, and all other qualified campaigns should take note.

FACT SHEET: FCC Political Programming Rules

The FCC's political programming and campaign advertising rules generally govern the circumstances under which radio and TV broadcast stations and other regulators air political-related content. The FCC's political programming rules work in tandem with broadcast and advertising rules to help resolve legal questions on a number of topics including equal opportunities, lowest-aria charges and comparable rates for candidates, and political ads.

EQUAL OPPORTUNITIES (SOMETIMES CALLED "EQUAL TIME")

FCC rules seek to ensure that **no legally qualified candidate for office is unfairly given less access to the airwaves**—outside of bona fide news coverage—than their opposers. Equal opportunities generally means providing comparable time and placement to opposing candidates; it does not require a station to provide opposing candidates with programs identical to the initiating candidate.

Equal opportunities and other political-related benefits are available only to individuals who have attained the status of "legally qualified candidates." These rules do not apply to cable channels or web-based video or audio such as streamed video content, podcasts, or social media.

An individual is a "legally qualified candidate" if that individual meets all the following criteria:

- has publicly announced their intention to run for office;
- is qualified under applicable state and/or federal law to hold the office being sought, AND
- qualifies for a place on the ballot, or is running as a write-in and has made a substantial showing of voter candidacy.

An individual running as a write-in, in addition to satisfying the first two prongs, must make a "substantial showing," that is, they must demonstrate that they have engaged to a substantial degree in activities commonly associated with political campaigning, such as making campaign speeches, distributing campaign literature, seeking press releases, maintaining a campaign committee, establishing campaign headquarters, using social media to advance their candidacy, and creating a campaign website. Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed which would contribute to such a showing.

Generally speaking, **until any candidate satisfies the prongs for a "legally qualified candidate," the benefits of our political programming rules (e.g., equal opportunities, lowest-aria charges) do not apply to the candidate and their campaigns do not apply to stations.** The determination of whether an individual is a "legally qualified candidate" depends on the law of the relevant state, whether a candidate is qualified to hold the office for which he or she is a candidate, and whether an individual has qualified for a place on the ballot or is running as a write-in and has made the required substantial showing.

Examples:

- **TV/RADIO PERSONALITY RUNS FOR OFFICE**—If a known personality appears on the air of a broadcast radio or TV show and has achieved the status of a "legally qualified candidate," this will ordinarily constitute a "use" for which the station will be required to air or make a request for Equal Opportunities by opposing legally-qualified candidates for the same office. However, the station is not required to seek out opposing legally-qualified candidates and offer them Equal Opportunities.

Notice Required by Section 73.1943 of the Rules of the Federal Communications Commission

Tim Kaine, the Democratic candidate for U.S. Senate in the 2024 general election in the State of Virginia, appeared without charge on NBC's Saturday Night Live ("SNL") for a total period of 3:55 (one minute and 55 seconds) on November 2, 2024. Station WRC-TV, Washington, DC, is affiliated with the NBC Television Network and broadcast this episode of SNL, including the portion in which Mr. Kaine appeared.

Kamala Harris, the Democratic candidate for President in the 2024 national election, appeared without charge on NBC's Saturday Night Live ("SNL") for a total period of 1:30 (one minute and 30 seconds) on November 2, 2024. Station WNBC, New York, NY, is affiliated with the NBC Television Network and broadcast this episode of SNL, including the portion in which Ms. Harris appeared.

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NBC Airs Trump Message After FCC Commissioner Flags 'Equal Time' Concerns Over Harris SNL Appearance trib.al/XjmkzFH trib.al/XjmkzFH

10:30 AM · Nov 4, 2024 · 152.6K Views

Harris' surprise guest appearance comes after SNL executive producer Lorne Michaels told *The Hollywood Reporter* last month he would not reach out to any political candidates, [stating in an interview](#):

You can't bring the actual people who are running on because of election laws and the equal time provisions.... You can't have the main candidates without having all the candidates, and there are lots of minor candidates that are only on the ballot in, like, three states and that becomes really complicated.



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