



NASBA<sup>SM</sup>

National Alliance of State Broadcasters Associations



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MEMBER RESOURCES



# ABOUT NASBA

## NASBA PHILOSOPHY AND ORGANIZATION

The Broadcast Executive Directors started in the early 1980's as an informal group of executive directors of state associations who wanted to get together to talk about mutual challenges and achievements. The group began meeting regularly at the NAB Leadership Conferences each year and those informal meetings evolved into a day set aside for SAEs to meet and discuss the burning issues of the day.

When BEDA decided that one day was not enough time to share ideas and educate, two days in the fall were added for meeting and in November 1985, BEDA was formally organized with by-laws and officers. At that meeting the following resolution was passed:

***“Resolved, that the Broadcast Executive Directors Association (BEDA), for the first year, and until otherwise determined by the membership, shall be limited in purpose to the enhancement of internal educational opportunities for members.***

***“The purpose of the organization is to develop a closer unity among broadcast state executive directors, national, regional and state broadcast groups; to exchange ideas and suggestions for mutual enlightenment and professional growth; and to strengthen state broadcast associations.”***

NASBA has grown in stature and industry clout due to the unique nature of the Alliance and the willingness of the State Broadcaster Associations to promote and advocate for the broadcasting industry.

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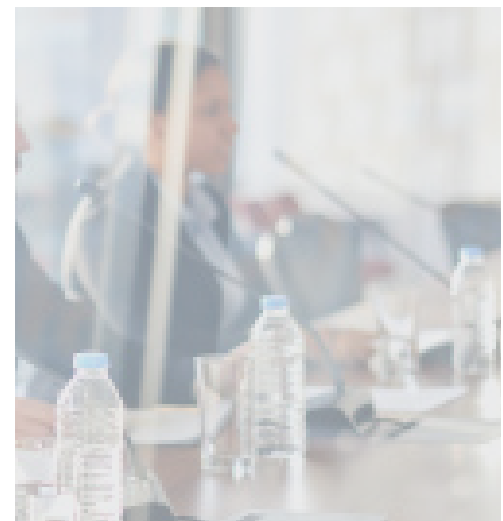
## NASBA STUFF

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CareerPage Access Code: 3Sdg54  
  
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# ABOUT NASBA

Although NASBA is comprised of 51 separate entities, this Alliance can and does coordinate resources and lobbying efforts as a collective group when it is in the best interests of the individual states and the broadcasting industry.

## LEGAL COUNSEL

Scott Flick and the Pillsbury Law Firm in Washington, DC advocate on behalf of NASBA with the FCC and along side the NAB to help make NASBA a thoughtful voice in Washington.

## MEETINGS

NASBA's meetings provide members with continuing education from networking with other state associations, to learning new systems and strategies in association management as well as discussions about timely issues and concerns.

## ABIP

The Alternative Broadcast Inspection Program is a unique partnership between state associations and the FCC designed to ensure the integrity of station compliance as a robust alternative to FCC inspections across the country.

## NASBALIST

NASBA facilitates an email listserv that allows members to post questions, concerns, surveys or provide important and timely information to the NASBA membership at large for immediate consumption.

## ADMINISTRATION

NASBA's three administrative staff members provide administration, data management and accounting services, including meeting planning, business accounting and taxes, and website administration.

The members of NASBA are composed solely of State Broadcasters Associations that represent the free, over-the-air, commercial, full-power radio and television stations licensed by the FCC and that are members in good standing with NASBA. Each State Broadcasters Association appoints a representative to act on its behalf at NASBA meetings.

The property and business of NASBA is managed under the direction of the Board of Directors. The Board, or "Executive Committee", is composed of a president, president-elect, vice-president, secretary/treasurer and the immediate past president. These are voluntary positions which are held for one year.

The Board creates Committees of the Board or Advisory Committees to delegate certain powers. At the discretion of the Board, some committees may be open to State Broadcasters Association members, rather than directors. (For instance, engineers serve on advisory committees to help with the technical and logistical considerations of the program.)

## MEMBERSHIP

Your annual NASBA membership dues provide legislative, legal, administrative and educational benefits to all NASBA members. Through the work of the NASBA Board as well as Committee membership, NASBA helps find solutions to issues and concerns of stations across the country.

## BOARD MEMBERS

2023-24 Board members are NASBA President Dewey Bruce, Montana; President-Elect, Wendy Paulson, Minnesota; Vice-President, Jim Timm, Nebraska; Secretary/Treasurer, Jordan Walton, Massachusetts; and Past President Bob Houghton, Georgia.



## EAS COMMITTEE

NASBA and NAB established the EAS Committee to strengthen the role of broadcasters as the backbone of America's public alerting system, while the system works to ensure that more people receive life saving information in more parts of America, more of the time, through current and future alert and warning technologies.



## PEP COMMITTEE

The Public Education Partnership Committee works to ensure that potential national partners understand the benefits of a program that utilizes broadcast airtime to connect non-profit and government organizations to their communities.



## MOD SQUAD

This Committee focuses on current and everyday hurdles that an association might run into. From awards program organization to website maintenance and everything in between, members bring questions and answers to the table each month.



## ABIP COMMITTEE

The ABIP committee was established to strengthen the relationship between broadcasters and the FCC enforcement bureau by ensuring that the Alternative Broadcast Inspection Program remains a robust alternative to FCC inspections across the country.

## CRITICAL ISSUES

The **Critical Issues fund** was established for the purpose of providing aid in matters that potentially affect all State Broadcast Associations and their members in circumstances where there is little or no potential for individual State Associations to raise outside funds.

## FUTURES COMMITTEE

With an eye at what's around the corner, the Futures Committee monitors the evolutionary happenings within the industry to educate NASBA members on what's next in broadcast media. The Committee also works with and engages stakeholders and visionaries who impact broadcasting.

## EXECUTIVE ASSISTANT

Susan Reinhart Wrons has many of the answers you're looking for, so be sure to contact her with questions. She can point you in the right direction.

## NAB BOARD SUPPORT FOR STATE ASSOCIATIONS

The NAB and the state broadcasters associations have a unique relationship. The organizations are all separate entities, but work closely together to execute advocacy strategies and other initiatives for the benefit of the broadcast industry.

Every state association has its own bylaws and boards of directors, meaning that each operates differently. However, participation by stations at the local level is critical to the success of all associations. Here are some examples of ways in which local stations can be involved:

- » Join the state association as a dues paying member – each state association has its own dues schedule and requirements for membership. Dues help support association advocacy efforts as well as some operations of the association.
- » Participate in advocacy efforts at the state level – state associations are often involved in defending against harmful proposals in state legislatures, such as sales tax on advertising, restrictions on access to public records and meetings, and elimination of non-compete clauses in employment contracts. States may also pursue legislative initiatives for the benefit of the industry, such as anti-SLAPP laws, certain tax deductions for purchase of equipment, etc. Having local stations involved in advocacy efforts – whether through contacting legislators by phone or email, attending meetings, or testifying on proposals – is extremely helpful in demonstrating the impact of these proposals on stations' operations.
- » Participation in advocacy efforts at the federal level – state associations are integral in executing grassroots advocacy in support of the NAB's legislative strategies. Broad participation by stations across the states increases the effectiveness of these efforts. Activities include signing onto statewide letters, contacting members of Congress by phone or email, attending district meetings, etc. Local stations may also occasionally be asked to share opinions or data used in compiling state associations comments filed in FCC rulemakings.
- » Air spots for PEP program campaigns – each state association operates a Public Education Partnership (PEP) program which provides government agencies and nonprofits the opportunity for statewide distribution of their public service messages on radio and television stations. The mechanics of each state's PEP program is different, but generally, the PEP sponsor contracts with a state association to distribute its spots – these are typically organizations with limited marketing budgets, and are not intended to compete with paid advertising buys. Although stations are not compensated for airing the spots, the state associations invest the fees in services to members. PEP program revenue represents the overwhelming majority of each state's annual revenue, so strong participation by all stations is important.
- » Encourage staff participation in association programs – state associations offer a variety of services for member stations designed to ensure regulatory compliance, increase staff skills and competencies, and recognize station accomplishments. These include conventions, training seminars and webinars, the Alternative Broadcast Inspection Program (ABIP), and awards programs.

Encouragement by corporate leadership for their local stations to be involved in state association activities helps ensure broad participation by stations. The state associations appreciate the partnership with the NAB, and the support of local radio and television stations across the country in our efforts to support members.



## NAB RESOURCES AND SUPPORT FOR STATIONS

NAB provides resources for member and non-member stations to learn about best practices, amplify public service initiatives and promote the great work of broadcasting in communities across the country to policymakers and the public.

The **Broadcast Resource Hub**, powered by NAB and the NAB Leadership Foundation, is a comprehensive one-stop-shop for resources, tools and information on the most relevant issues impacting local radio and television stations. The hub contains resources to help broadcasters, journalists and station management discover business best practices and address issues of diversity, civic engagement and reliable and trustworthy journalism that our communities rely on every day.

Access these resources at **BroadcastResourceHub.com**.

**We Are Broadcasters** is NAB's consumer-facing website to educate policymakers and the public about broadcasters' vital role as news reporters, first informers, investigators and public servants in communities across the country. The site features stories of broadcasters' unparalleled local service and in-depth features on television and radio's role in major news stories, disaster relief and historical events.

Please send your member stations' public service press releases and other news to **WeAreBroadcasters@nab.org** for inclusion on the website. Visit **WeAreBroadcasters.com** to see great examples of broadcasters at work.

In odd-numbered years, NAB invites members of Congress to record public service announcements for the bi-annual **NAB Congressional PSA Program**, giving them an opportunity to speak directly to their constituents on a number of important issues. The television and radio spots are made available to stations in the summer and they can air them through Dec. 31. Airing the spots helps to remind legislators about the vital role broadcasters play in keeping local communities safe, informed and connected. Visit **nab.org/cpsa** to learn more.

The **NAB Spot Center** is a destination for local radio and television broadcasters seeking public educational materials from credible organizations on important societal topics. Nonprofit organizations submit spots directly to Spot Center and broadcasters may download and air public service materials voluntarily and at their discretion.

Explore options and download spots at **psa.nab.org**.

Do you have questions about NAB membership or access to NAB's substantial resources? Don't hesitate to reach out to NAB's membership team at (202) 429-5400 or **membership@nab.org** for help.

**WHO ARE BROADCASTERS?**

**12,632**  
total broadcast stations in the U.S.

**GET THE FULL PICTURE HERE**

**WEAREBROADCASTERS** **#WeAreBroadcasters**

# ASSOCIATION BOARD MANAGEMENT

**Antitrust Compliance.** All discussions, agendas, minutes, reports and communications should remain scrupulously free of any references to manipulation of the marketplace by the association, its leadership or its members. Subjects to avoid, or to approach only with caution and advice of counsel, include: prices and fees charged for advertising or services; dividing up markets or sources for advertising, content, or services; jointly declining to deal with particular vendors, talent, content, etc.

**Governance Documents.** The association's Bylaws and any board-approved policies are reviewed periodically and brought up-to-date to reflect actual practices of the association and pertinent legal requirements of the state's nonprofit corporation law. Annual Meetings of the membership and periodic meetings of the Board are held in compliance with the association's Bylaws. Annual or biennial corporate reports are made to the state as required. The Board urges all members of the association to encourage the appointment/nomination of persons, particularly women and minorities, who are affiliated with such members through ownership or management, to serve on the Board as well as on association committees.

**Financial Management.** All financial reports are complete, accurate and clear; accounting internal controls assure accurate reporting and minimizing risks of unwarranted loss. Audited financial reports consistent with GAAP are generated and provided to the association's board as required by the association's Articles of Incorporation, its Bylaws, or its board. Investment of surplus revenue is pursuant to a plan closely followed and reviewed by the board periodically. Adequate Directors & Officers Liability insurance is maintained.

**Tax Exemption Compliance.** Tax-exempt organizations are prohibited from providing "inurement" to individuals. Accordingly, the association avoids providing above-market payments to any individual or firm, particularly to one that is in a position to influence the organization in programs, governance, finances, etc. Draft Annual Form 990 tax returns are circulated to the Board for review and comment before filing. The association's tax returns are filed on time or per extensions and are made available for public inspection. Members are given notice of the amounts of dues that are non-deductible to the members because of anticipated lobbying expenditures.

**Conflicts of Interest.** Policies are in place to assure that those with "other interests," whether competing financial interests of themselves, their firms or their families or adverse policy interests of their firms or of other associations where they are active, are fully disclosed to the association and its governing board. Where determined by the association, individuals with "other interests" will recuse themselves from pertinent discussions or, in extreme cases, resign from their positions with the association. The association is particularly sensitive to the potential for conflicts of interest where board members and officers are involved in discussions relating to whether the association should solicit certain, prospective or current NCSA/PEP sponsors.

**Document Retention/Destruction.** Policies are in place to assure that key documents are maintained, whether in secure paper or digital form, where required by law – such as in the HR, tax, and similar areas – or where in the best interests of the organization – such as for corporate formation documents, key contracts, insurance policies, approved drafts of board minutes, etc. All other documents, in paper and digital form, are to be routinely destroyed according to a rigorously-maintained schedule.

**Whistle-Blower Protection.** Policies are in place to assure that members, leaders, agents and employees of the association have discreet and confidential channels to raise questions or concerns about financial or other practices of the association, with no retribution or other negative ramifications for those raising their questions or concerns.

**Applicants for Membership.** Applicants for membership in the association are evaluated solely on the basis of objective, unbiased and published criteria.

**CEO or Management Firm Compensation.** There is a written contract with the executive outlining compensation and benefits. Annual performance reviews of all executive staff are conducted, and all contracts, compensation and benefits are approved, by either the Board of Directors or its designee, including a subset of the board such as an Executive Committee or Finance Committee.

**Fiduciary Duty.** With the benefit of annual presentations conducted by qualified persons, all officers, directors and executive employees are oriented regarding their duty to be loyal to the best interests of the association, to act as any reasonable person free of conflicts would in making decisions, and to recognizing that their role is to the advance the association and the entire constituency represented by the association and not segments or individual firms or people within that constituency.



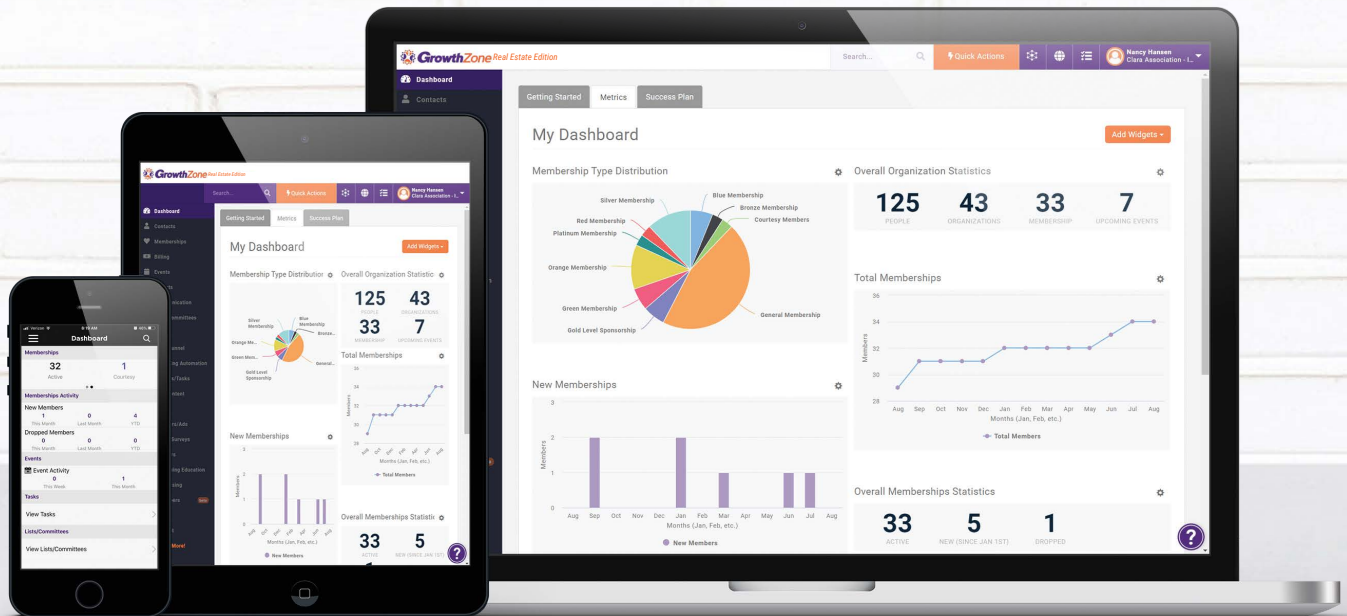
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## Membership Organizations trust **GrowthZone**.

### Do More with Software Designed for **Associations**.

Easy-to-use GrowthZone software empowers associations to grow revenue, productivity, and member value.

- ✔ Increase non-dues revenue by offering a wider variety of events, ads, and sponsorships.
- ✔ Save time by eliminating duplicate data entry, automating manual processes, and reducing repetitive tasks.
- ✔ Provide a powerful member portal where members can register for events, access resources, engage in a member forum, pay invoices, and more.





# ASSOCIATION LEGAL AUDIT CHECKLIST

## 1. Organizational Issues

- » Corporate form (incorporated/unincorporated; non-profit or for-profit)
- » Statement of registered agent for service/or Assn. Exec. is registered agent
- » Articles of Incorporation; By-Laws up to date/adhered to
  - provide for indemnification of officers, directors, employees
  - set membership criteria; Board composition; basic operating parameters
- » Annual meeting of membership of corporation (use to elect directors and/or officers)
  - Held at time and place in accordance with By-Laws
  - Agenda
  - Quorum present
  - Minutes retained
- » Rules of Order (Robert's)
- » Election of Directors (at annual meeting; mail permitted?)
- » Annual Report filed with state corporations office
- » "Disaster survival notebook" should include:
  - IRS Form 990 for 3 years;
  - IRS Letter of Determination;
  - current financial statement;
  - Articles of Incorporation;
  - By-Laws;
  - current rosters of board/membership;
  - policy manual;
  - insurance policies;
  - disks to backup computers;
  - software licenses;
  - list of passwords
- » Intellectual Property
  - Association name and logo trademarks; registered; state/federal; symbols
  - Copyrights; notices; registrations
  - Website URL, etc.

- special property items insured separately (artwork, historic memorabilia)
- Directors and officers/nonprofit liability
- Fidelity bond for employees; volunteers
- Defamation
- Renewal reminders for contacting agent
- » Contracts/Leases
  - President/CEO employment agreement
  - Independent contractor vs. employee agreements, contract lobbyist, outside legal counsel retainer, web developer/webmaster)
  - Alternative Broadcast Inspection Program
  - Inspector contract with Association
  - FCC Enforcement Bureau contract
  - Station contract with Association for inspection
  - Office space lease
  - Real estate purchase
  - Equipment
    - Hotel agreements for conventions and seminars
    - ASCAP/BMI/SESAC licenses for association events
    - NCSA/PEP clients
    - Indemnification/hold harmless clauses
    - Expiration/renewal deadlines for all agreements & leases
- » Physical plant safety reviewed; emergency plans
- » Federal & state labor law posters posted
- » Personnel forms and procedures compliance (ADA; EEO; minimum wage; overtime; FLSA; state labor laws)
  - Employment applications
  - Job Descriptions
  - Personnel manuals (including anti-sexual harassment policy)
  - Pension plans
  - Immigration Form (I-9) for new employees
- » Bank signature resolutions; signature cards; check signing authority
- » Financial and accounting controls
  - Annual audited financial statement by outside CPA firm
  - Internal financial controls (deposits, payables authorization, check creation, signing, bank account reconciliation)
  - Financial records kept for required period (bank statements, payables documentation, annual audit reports, tax payment receipts)
  - Quarterly income statement and balance sheet reports to Board of Directors
- » Business license for city where assn. has office
- » Certificate of occupancy for office location
- » Record Retention policy (financial records, employee records; contracts; deeds; independent audit reports; PEP records, affidavits)
- » Logically, well-organized filing system (paper files; digital files; archives/backup)
- » "Tickler" system for advance reminders of deadlines for notices of contract renewal/expiration and other "can't forget" deadlines

## 2. Administrative/Operational Matters

- » Board of Directors and Executive Committees
  - Board of Directors notebook w/articles, bylaws, minutes, meeting briefing materials
  - Elections held; proper notice;
  - By-Laws provide for method of election (mail, meeting)
  - Board meetings with proper notice; printed agenda in advance; quorum present; Rules of Order
  - Minutes retained
  - Committee structure, member selection, duties defined
  - Conflict of Interest Policy
  - Whistleblower Policy
  - Annual Staff Reviews
- » Meetings
  - Special considerations/limitations on location of Membership or Board meetings: in-state; out of state; out of country
  - Meeting notice: timing, method of delivery, what must be included (e.g. statement of purpose)
  - Participation via electronic means
- » Insurance
  - General comprehensive liability (property/casualty)
  - additional insureds for when requested

## 3. Taxation

- » Application for tax exempt status and retention of tax exempt status IRS Determination letter
- » Protection of tax exempt status



# ABIP BEST PRACTICES GUIDELINES

*This “Best Practices” list is a guideline, and is not designed to establish mandatory procedures.*

## **I. General “Record-Keeping/Readiness” Procedures**

### » **Maintain a copy of each of the following contracts:**

1. executed requests/agreements for ABIP Inspection between each licensee of the station(s) to be inspected and the SBA.
2. the executed ABIP Program Agreement between the FCC’s Enforcement Bureau and the SBA
3. executed contract between the ABIP Inspector and the pertinent SBA. That contract should contain certain provisions relating to (i) “conflicts of interest,” (ii) the right of the FCC to audit his/her performance, and (iii) recordkeeping by the inspector.

### » **Maintain a database, by call sign, of each full-power radio and television broadcast station that includes**

1. date of the station’s most recent ABIP Inspection, past inspection observations/results, and expiration dates of Certificates of Compliance. T
2. station contact information (telephone, physical address and email address) for general manager and station engineer.
3. The list should include any LPTV stations, LPFM stations, translators and boosters that have been inspected. This list can be built from the FCC’s CDBS database.
4. an email list of inspected stations within the State/Territory of the SBA so that any changes in FCC rules or procedures can be relayed to all affected stations.

### » **Preparing for inspections:**

1. Make sure that the ABIP Inspector’s liability insurance is adequate and in full force and effect. The inspector might check with the SBA and their legal counsel on a recommended amount.
2. Have equipment available that is helpful during the inspection process, e.g., GPS units, Field Strength Meters (“FIM”), RF radiation monitors, cameras, laptops, tablets, etc. The FIM should have a current calibration certificate.
3. Inspection preparations should include reviewing and bookmarking or printing out certain documents from the FCC CDBS database for the station, including any BAS or auxiliary licenses and ASR’s. Those documents should be checked to make sure the location listed on the license is accurate. Also check the FCC Enforcement Bureau website for any Notice of Violations or Notices of Apparent Liability that may have been issued to the station(s) to be inspected as well as to other stations owned by the same licensee/parent company.
4. Review the station’s Online Public Inspection File for content and deadline accuracy.
5. Maintain copies of ABIP Certificates of Compliance that have been issued to stations which pass the inspection.
6. Be prepared to provide links to the current EAS state/regional/local plan as well as current FCC EAS Handbook so these can be downloaded if needed.

### » **Best Practices**

1. Stay in contact with the heads of the FCC Enforcement Bureau
2. Contact each station whose Certificate of Compliance is scheduled to expire within 6 months or that does not hold a Certificate of Compliance, and urge such station to sign up for an inspection.
3. ABIP inspectors should engage in continuing education re FCC’s rules, regulations, policies and procedures and maintain a friendly but professional relationship with all FCC officials and staff.

**Regions/Districts in the ABIP Inspector’s area. Ask them to identify violations that the FCC commonly finds in the field.**

## **II. Actions Taken by the ABIP Inspector Before He/She Travels to the Station Participating in the ABIP Program**

- » Contact station management and engineering. Tell them who the inspector wants available when he/she arrives for the inspection, who he/she will need during the inspection process, what he/she expects from them, and how long they will be needed, including the SBE’s most current Self Inspection Checklist(s) for the station(s) being inspected.
- » Confirm that the station’s mailing address and control point locations agree with the FCC records.
- » Review station’s online public inspection file. Review the station’s main and auxiliary, permanent and temporary, licenses, permits and authorizations to determine if the station(s) is operating consistent with those licenses/permits/authorizations.
- » Prepare and carry the an inspection checklist. Also, make a list of photographs to take at the station and transmitter site so all needed photographs are obtained during the inspection. The photographs will help in preparing inspection reports.



### III. Actions Taken by the ABIP Inspector During an ABIP Inspection

- » The Inspector shall conduct an onsite, physical inspection of the transmitter site(s) and studios of the station(s) being inspected. Such inspection includes a review of the conformance of the station's operations with those FCC rules, regulations and policies that are specifically enumerated in the pertinent, then current, SBE Self-Inspection Checklist for the particular type of station being inspected.
- » Upon arriving at the station(s), the ABIP Inspector should identify himself/herself as an inspector under a particular SBA's ABIP Inspection Program and provide some reasonable form of identification confirming that relationship if the SBA provides one to its ABIP Inspectors.
- » Discuss up front what is and is not covered by the inspection contract. Also, let the station staff know what to do if an FCC inspector ever shows up at the station, including the posting of the Certification of Compliance if issued to the station. An ABIP Inspection does not confirm compliance with the Political File rule beyond ensuring that the station has been placing political advertising documents in the Political File folder of its Public File.<sup>1</sup> The inspector may, but is not required to, examine other aspects of the EEO and Political File requirements as a courtesy to help the station, but such broader inspection should not unduly delay completion of an inspection or be used as a basis to deny a Certificate of Compliance. However, the inspector should notify the station of any concerns he or she may have.
- » Observe the overall condition of the station. Is the facility clean and clear of debris? Is the equipment in good condition? Is the wiring neatly dressed? How does the facility smell? It COULD be a clue to how well they have complied with the mandatory items.
- » The ABIP Inspector should provide the person in charge of the station's Public Inspection File with a printed description of the documents required to be in a station's public and political files, as applicable.
- » Although not required as part of the formal ABIP Inspection Program, the ABIP Inspector may wish to check each station's ASR documents and Part 74 licenses primarily to make sure the information (ownership, location, frequency, etc.) matches actual operations in order to determine whether there are any inconsistencies. It is understood that issues relating to ASR's and Part 74 licenses will not be used to hold up an inspection or prevent the inspector from issuing a Certificate of Compliance. However, the ABIP Inspector should inform station's management/engineering of any issue(s) and advise them that the FCC has been issuing fines for Part 74 violations.
- » Check to determine how various studio equipment and operational procedures are performed, including EAS, remote control and monitoring/logging procedures. A check of the remote control equipment is performed to determine that all parameters are met. This includes tower light monitoring. The "station log" is reviewed to insure that all logging requirements are met. EAS logs are checked for receipt and transmitting of the RWT and RMT events and weekly checks by the Chief Operator. If the station has a lit tower or towers, make sure the station has posted the FAA Flight Service number and procedures to follow when the tower lights fail even if the tower lights are the responsibility of the tower owner who is not the licensee. In cases where the tower lights are the responsibility of the tower owner who is not the licensee, check with that company to confirm that their procedures are in accordance with the FCC rules. The ABIP Inspector may consider recommending to licensees who lease tower space that their lease agreement or a separate letter contains language specifying who is responsible for assuring that the tower lighting is checked as required, either by direct observation or by an alarm system.
- » Check to make sure that the station has a current copy of the State/Regional/Local EAS Plan available. Observe whether it was easy for the staff to locate the Plan. Check for the station's Monitoring Assignments listed in the EAS Plan or FCC Mapbook. Verify, by having station personnel turn up the volume on the EAS receiver, that the station is monitoring the correct stations.
- » Visit the station's transmitter site. Check for proper transmitter power output. Ask the engineer to describe how the TPO is checked, how often and whether the reading is recorded in a log. At times, a station's license (for whatever reason) does not list a TPO. The station's engineer should show proof of how the correct value is obtained.
- » Other items to be checked at the transmitter site include tower painting/lighting, proper fencing, number of antenna bays (FM) (lookfor polarization and azimuth), proper signage, etc. Compliance with RF exposure limits is not usually checked.
- » Carry an aviation colour chart (Hale) to check the condition of the tower paint and to provide the station staff with evidence of the paint condition. Carry a copy of the appropriate FAA documentation on paint and light requirements in case there are any questions about the requirements. If transmission lines run up the outside face of a tower, they must be painted or it becomes a compliance issue.

- » Observe whether the ASR numbers are properly posted and are legible at the last point of public entrance (in case area is restricted).
- » Although not part of the formal inspection process, note whether RF signs are posted and whether the ABIP Inspector's RF monitor is activated while the ABIP Inspector is in an area where signs are posted. If not, consider recommending an RF site survey.
- » Note whether adequate contact information is posted at the site, on the building, the tower or on the transmitter, STL and other equipment, per OET 65.
- » Carry a GPS device to spot check the tower location for accuracy (GPS readings should be checked against Google Earth readings). Remember that the FCC uses Google Earth. The FCC's tolerance on locations is +/- 1 second). Also carry a frequency counter to check the transmitter operating frequency (this is especially important for older tube-type transmitters that are in operation in many small markets). Conversion errors can be avoided by checking the FCC coordinate conversions or checking the coordinates on Cavell and Mertz.
- » Avoid performing any procedure that would require the ABIP Inspector to plug test devices into a transmitter or other station equipment. The ABIP Inspector should have the station engineer use his/her own equipment to check the transmitter frequency. Ask about the calibration of that equipment. Also avoid touching any equipment, knobs, buttons or switches either at the station or at the transmitter site. Station staff persons should perform any functions needed as part of the ABIP Inspection.
- » Ask to see the "maintenance log." Usually a well maintained site has a log of transmitter parameters, calibration of meters, frequency checks, tower light checks and date of inspections. If a station does not keep such a log, recommend that it do so. Quarterly inspections are required for tower lights and must be noted in the station records.
- » What is the overall condition of the site and the building. Are gates and doors locked? Are fences secure? What's the neighborhood like? Is there debris or garbage around the site? Are hazardous materials or old paint, cleaning products or other chemicals being stored at the site? Is the area overgrown with weeds, shrubs and other vegetation that could become a threat in a fire? Have animals/rodents been in the building?
- » If the ABIP Inspector will be inspecting a directional AM station's monitor points, note whether the locations are accurately described on the license and note whether the engineer can easily find them and actually take the measurements, indicating that the monitor points are checked regularly.
- » Carry a knit hat or heavy sock that can be used to darken the photocell for the tower lighting system. Cover the photocell to see if tower lights are activated. Proceed with caution if the photocell is accessible. If not, check the tower lights after dark.
- » Throughout the inspection, discuss with management/engineering or other staff member(s) the ABIP Inspector's observations, concerns, questions, etc.

#### ***IV. Actions to Be Taken by the ABIP Inspector at the Completion of the On-Site Inspection While Still at the Station***

- » Once the ABIP Inspection is completed, hold an in-person discussion with the general manager and engineer. The discussion is intended to cover any items that need to be addressed. Offer suggestions and procedures to address any outstanding issues. For those issues that cannot be cured while the ABIP Inspector is on premises, make clear that the station must provide the inspector with written documentation and/or photos to substantiate the correction of each potential violation found by the ABIP Inspector before a Certificate of Compliance can be issued. Also state that a written report covering the inspection, and the re-inspection if needed, will be emailed to the station. Also explain that the ABIP Inspector must be satisfied that all outstanding items are in compliance and within what time-frame.
- » Discuss the need, if any, for a return trip for a re-inspection. Explain that representations contained in a letter or email from an officer of the licensee or general manager of the station being inspected, coupled with extrinsic evidence such as a photograph or PDF thereof, or fax or PDF copies of documents demonstrating that the remedial action was taken, will generally be regarded as sufficient to eliminate the need for a re-inspection in most cases.
- » Remind station management to review the contract between the SBA and the Enforcement Bureau to make sure that the station takes the steps necessary to insure that, if an FCC inspector were to visit the station, the station has properly displayed its Certificate of Compliance and immediately notifies the FCC inspector of such Certificate.

#### ***V. Actions to Be Taken by the ABIP Inspector Upon Leaving the Station***

- » Promptly (within 10 days) send a written report to the station's management and engineer setting forth any issues that could not be corrected prior to the departure of the inspector.
- » Evaluate any proof of post-inspection corrective actions taken by the station to determine whether a re-inspection will be necessary before a Certificate of Compliance is issued.



- » If a Certificate of Compliance is to be issued, either upon the initial inspection, or later after corrective action is taken (with or without a re-inspection), promptly notify the station and the SBA in writing of the inspector’s recommendation, in which case the SBA shall promptly (i) cause the Certificate to be sent to the station and (ii) notify the pertinent FCC District or Resident Agent Office of such issuance.
- » Cooperate with the sponsoring SBA to make sure that the requisite Certificate of Compliance is signed and promptly issued if one is warranted.
- » Encourage all stations to contact the SBA’s ABIP Inspector during the three year compliance period if there are any questions about FCC-related compliance issues.

## ABIP SPECIAL CHECKLIST

updated 5/8/22

Station \_\_\_\_\_ FCC ID \_\_\_\_\_ Date \_\_\_\_\_

### STUDIO

- » Chief Operator Designation
- » EAS Operating Handbook (2021) and State Plan
- » EAS/CAP Operation
- » Link to EEO on station web site (radio/TV)
- » Link to station online Public File on web site
- » Link to Public File /name of person to assist
- » NRSC for AM stations (retain for 2 years)
- » Station Log (retain for 2 years)
- » STL licensed location/frequency (check for correct location on license)

### TRANSMITTER AND TOWERS

- » Check all owned towers
- » Correct Ownership on all ASR’s
- » Posted ASR (for each tower)
- » Posted RF warning signs
- » Tower paint and lighting (remote alarms and monitoring)
- » Tower location (check for correct coordinates)
- » Transmitter TPO/procedure for monitoring (schedule of checking)
- » Transmitter positive control
- » Number of bays (FM)
- » AM antenna current or common point (schedule of checking)
- » Transmitter Remote Control
- » Fencing of AM tower
- » Directional AM monitor points
- » Directional AM monitor readings
- » Quarterly tower lighting inspection
- » Station monitoring and schedule procedures (transmitter site visits)
- » Maintenance logs at transmitter
- » AM day/night power and pattern change (monitoring)
- » Checking Station Frequency/Pilot frequency for DTV procedure
- » Procedure for monitoring station modulation (radio)

## PUBLIC FILE CHECKLIST

- » Station Information (license/ renewal, CP, STA) [translators, STL, RPU other part 74 licenses]
- » Public Broadcasting Manual [July 2008]
- » Applications
- » Ownership Report/related material FCC Form 323 [most current 12/1/2021, next due 12/1/2023]
- » EEO for 396 (license period)
- » Contour Maps
- » Political (2 years) must also be kept locally
- » Citizen Agreement
- » Donor Lists - Applicable Only for NCEs
- » FCC Investigations or Complaints
- » Information on Third-Party Fundraising - For NCE Stations Only
- » Issues/Program list (license period) (filed quarterly)
- » Time Brokerage/JSA/SSA
- » Local Public Notice Announcements
- » Political Matters and Controversial Issues Disclosures
- » Children’s programming and commercial annual report (TV) [most current 1/30/22, new 1/30/23]
- » Retransmit agreements (TV)
- » DTV Ancillary Service form 2100 G (TV) next report due December 1, 2023

## EAS MONITOR ASSIGNMENTS

- 1.
- 2.
- 3.

GSSNet \_\_\_\_\_ IPAWS \_\_\_\_\_ EAS Equipment \_\_\_\_\_

Engineer \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_

# EAS: A HISTORY AND CURRENT REGULATIONS

The Emergency Alert System (EAS) is a communications network originally established to enable the President to alert the public within 10 minutes during a national emergency. The system was created as CONELRAD (“CONtrol of ELectromagnetic RADiation”) in 1951, but has never been used for a Presidential warning at the federal level.

In 1961, the federal government expanded the system to use by state and local authorities, which is now the most common use of EAS. State and local authorities, as well as local National Weather Service offices, use EAS to warn the public of sudden, unpredictable events or circumstances that pose an immediate threat to public health or safety, and which require the public to take immediate action. Successful examples of EAS use at the state or local level include hurricanes, wildfires, floods, tornados, and other weather-related emergencies, as well as AMBER alerts for missing and abducted children.

Radio and television stations, cable systems, satellite radio and television providers, and wireline video providers are required to have the capability to participate in national alerts, but participation in state and local alerts is voluntary. Local radio and television stations remain the backbone of the EAS system.

The Federal Emergency Management Agency (FEMA) is responsible for national-level activations and tests of the EAS, and the Federal Communications Commission (FCC) is responsible for establishing technical standards, procedures and testing protocols for EAS participants.

## IPAWS and CAP

In 2006, President George W. Bush signed an executive order directing the Department of Homeland Security (DHS) to create the Integrated Public Alert and Warning System (IPAWS). IPAWS was intended to provide FEMA with the capability to distribute authenticated emergency and life-saving information to the public to radio and television via EAS, to mobile phones using Wireless Emergency Alerts (WEA), and on NOAA Weather Radio.

As part of its implementation of IPAWS, FEMA, in consultation with the FCC, adopted a standard for “next generation” EAS, known as the Common Alerting Protocol (CAP). The CAP standard allows an alert to be disseminated over multiple communications platforms with enhanced message capability. In addition to the broadcast backbone, CAP enables instantaneous message delivery over cell phones, text messaging, the Internet, and other channels, depending on the configuration of a state’s CAP-enabled EAS system. All EAS participants, including broadcasters, were required to be capable of receiving a CAP-enabled EAS alert by June 30, 2012.

In Sept. 2022, the FCC adopted new rules requiring all EAS participants, including broadcasters, to deliver an EAS alert in the CAP format if they receive both legacy-EAS and CAP-formatted versions of an alert. This change is intended to ensure that the more detailed information included in CAP-formatted alerts is distributed when available. One of the FCC’s goals for this rule change was to improve the accessibility of EAS for persons with a disability. The deadline to implement the necessary upgrades to comply with this requirement is Dec. 12, 2023. The FCC’s Report and Order is available here: <https://www.fcc.gov/document/fcc-improves-accessibility-and-clarity-emergency-alerts>

## State Plans

Each state is required to establish a state EAS plan that describes state and local EAS operations, testing procedures and monitoring assignments. The state EAS plans are developed and submitted to the FCC for approval by the State Emergency Communications Committee (SECC).

In 2022, all states were required to submit their state EAS plans to the FCC for approval, using the FCC’s online Alert Reporting System (ARS), which replaced the paper-based system previously used. A list of plans that been approved by the FCC is available here: <https://www.fcc.gov/SECC-Resources>.

## Testing

EAS participants are required to conduct weekly and monthly tests in accordance with FCC rules. Required monthly tests are conducted on a statewide basis based on a schedule established each state's EAS plan.

The IPAWS Modernization Act of 2015 requires FEMA to conduct a nationwide EAS test not less than every three years. The purpose of the test is to assess the effectiveness of the system in distributing a national EAS message. EAS participants, including radio and television stations, are required to submit test results following a national test using the FCC's EAS Test Reporting System (ETRS).

Six national EAS tests have been conducted, the most recent in August 2021. The FCC's report of the 2021 nationwide EAS test is available here: <https://www.fcc.gov/document/fcc-releases-report-nationwide-eas-test>

## Cybersecurity Concerns

Over the last decade, a number of EAS-related breaches and hacks have raised concerns about the security of EAS equipment, including equipment vulnerabilities caused by out-of-date software, firmware, and password protection.

In Oct. 2022, the FCC issued a Notice of Proposed Rulemaking (NPRM) focused on increasing the security of EAS and WEA. The NPRM seeks comment on ways to strengthen the security of EAS and WEA, including requiring EAS participants to notify the FCC about incidents of unauthorized access of EAS equipment, and requiring EAS participants to adopt and annually certify with the FCC a cybersecurity plan meeting certain requirements specified by the FCC.

Joint comments were filed on behalf of the broadcasters associations of all 50 states, the District of Columbia and Puerto Rico in late Dec. 2022.

- » FCC NPRM (Oct. 27, 2022) - <https://www.fcc.gov/document/fcc-acts-strengthen-security-nations-alerting-systems>
- » State association comments – <https://www.fcc.gov/ecfs/document/12240936227738/1>
- » All comments filed - [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2222-329%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2222-329%22)))

## Additional Resources

- » FCC EAS Operating Handbook (rev. 2021) – <https://www.fcc.gov/file/21437/download>
- » FCC EAS Page - <https://www.fcc.gov/emergency-alert-system>
- » FEMA IPAW Page - <https://www.fema.gov/emergency-managers/practitioners/integrated-public-alert-warning-system>
- » FEMA Evolution of EAS Chart - [https://www.fema.gov/pdf/emergency/ipaws/ipaws\\_the\\_evolution\\_of\\_emergency\\_broadcasting.pdf](https://www.fema.gov/pdf/emergency/ipaws/ipaws_the_evolution_of_emergency_broadcasting.pdf)

Rev. 1/2023

## National Public Warning System Acronyms

CAP	Common Alerting Protocol	COG	Collaborative Operating Group
EAN	Emergency Action Notification	EAS	Emergency Alert System
FCC	Federal Communications Commission	FEMA	Federal Emergency Management Agency
FIPS	Federal Information Processing Standard	IPAWS	Integrated Public Alert & Warning System
LECC	Local Emergency Communications Committee	NCMEC	Nat'l Center for Missing & Exploited Children
NOAA	National Oceanic & Atmospheric Administration	NWS	National Weather Service
SECC	State Emergency Communications Committee	SP/SR	State Primary/State Relay Network
WEA	Wireless Emergency Alerts		

# NCSA/PEP PROGRAMS BACKGROUND

This Memorandum is intended to provide State Broadcasters Associations (“SBAs”) with background on NCSA/PEP programs from three perspectives: the FCC, the IRS, and practical operating experience.

None of the following should be regarded as tax advice. Each SBA should rely upon its own tax advisor for guidance in these matters.

## THE FCC’S PERSPECTIVE

1. The term “NCSA” stands for “Noncommercial Sustaining Announcement,” and is the regulatory term long used by the FCC to refer to such announcements. The FCC has not traditionally used the acronym “PEP.” “PEP” was adopted by many of the SBAs to respond to a concern that potential sponsors had no idea what a “Noncommercial Sustaining Announcement” was and that the term is admittedly difficult to explain. There is a split among the SBA websites as to whether PEP stands for “Public Education Partnership” or “Public Education Program.” While the FCC has not adopted either term, that should be of no FCC consequence.
2. NCSA programs were introduced to the FCC in the early 1960’s by the Southern California Broadcasters Association, which wanted to help governmental entities and nonprofit organizations promote their programs and services on a statewide basis by encouraging stations to voluntarily air the spots. In return for distributing the spots and providing these entities and organizations with performance reports, these NCSA sponsors paid the SBA. At that time, if someone paid a station to air a spot, (a) the station would have to designate the spot on its program logs as a “commercial,” and (b) each commercial spot would count against a cap on the amount of commercial time that a station could air each hour, thereby creating a disincentive for stations to air NCSA announcements. Those two regulatory restrictions, in particular the commercial time “cap,” were dropped many years ago thereby unleashing the benefits of NCSA Programs nationwide.
3. Over the years, the FCC issued various rulings on NCSA programs, concluding that the announcements aired under NCSA programs are to be treated as “commercials” because the money received by each SBA from NCSA sponsors in effect benefits the stations participating in the NCSA program, e.g., by reducing SBA dues and by helping the SBA to offer more services). This is why all NCSA spots must contain the FCC-required sponsorship ID tag, including that the announcement is “paid for by…” or “sponsored by…” and the name of the sponsor.
4. The last FCC ruling on NCSA programs registered this FCC concern—NCSA announcements should not be allowed to drown out free PSAs. The FCC stated that because of this concern, it reserved the right to revisit the question of whether NCSA announcements were having an adverse effect on the obligation of stations to air free PSAs. Because of this, we have encouraged all SBAs to implement programs for organizations that want to get in touch with stations about obtaining coverage of their missions or the airing of their PSAs, e.g., providing station contact information to such organizations and/or providing a “primer” on how to create air-worthy PSAs and how to persuade stations to air them.
5. Based on a 1988 decision of the Chief of the FCC’s Political Programming Branch, the airing of NCSA/PEP announcements do not have an effect on a station’s “lowest unit rate” or “comparable rate.” However, if an NCSA announcement were to include the identifiable image or voice of a legally qualified candidate for public office, the airing of such a spot would generally trigger “equal opportunities” for opposing candidates on stations airing the spot.

## THE INTERNAL REVENUE SERVICE’S PERSPECTIVE

1. In two separate Private Letter Rulings, one issued in 1990 and one in 1992, the IRS ruled that the two SBAs’ NCSA programs were substantially related to the tax-exempt purposes of each SBA and that as a result, (a) the income generated by their NCSA programs was not “unrelated business income” subject to taxation, and (b) operation of the NCSA program would not jeopardize their status as tax-exempt organizations.
2. The IRS later conducted an audit of the Maryland/DC/Delaware Broadcasters Association focusing on the tax status of its NCSA program. The audit was, we believe, in response to a complaint from a Baltimore-area ad agency that felt the Association’s NCSA program unfairly competed with it. The complaint-driven audit was not only costly, but effectively put all SBAs’ NCSA programs under an IRS microscope. The IRS argued that stations were required to air unpaid announcements in order to meet their public interest obligations, and that the Association’s NCSA program therefore fell outside the SBA’s tax-exempt purposes. Consistent with this position, the IRS contended that the Association’s NCSA revenue should have been reported as unrelated business income and taxed as such. In representing the SBA, we demonstrated that the airing of NCSA announcements was not required by the FCC, and that the NCSA program was therefore substantially related to the tax-exempt purposes of the Association. The IRS backed off, closing the tax audit without any change in the tax-exempt status of the SBA or the NCSA program, and with no additional taxes imposed on the Association.

3. The Pennsylvania Association of Broadcasters was later subjected to a routine IRS audit, including its NCSA/PEP program. The IRS did not raise any issues with respect to the program. In fact, the IRS agent told Dick Zaragoza that, in her view, the program was so beneficial (cost savings and wide coverage) to governmental agencies and nonprofit organizations as NCSA sponsors that she did not want to do anything that could jeopardize the program.

## AN “OPERATIONAL” PERSPECTIVE – SOME CAUTIONARY THOUGHTS

1. Always double check to make sure that the required sponsorship ID tag is contained on all radio and television NCSA/PEP announcements, and be prepared to stop a campaign if you discover that the sponsorship tag has not been included or is not otherwise legally sufficient. A station airing a spot without the required sponsorship ID tag risks being fined the base amount of \$4,000 per airing, which the FCC has increased in circumstances where it feels the facts are particularly egregious. No SBA wants to be responsible for its member stations being fined large amounts for NCSA spots that have been airing repeatedly for weeks or months without proper sponsorship ID.

2. The true identify of the NCSA/PEP sponsor must be disclosed in the spot. Where a third party is funding or helping to fund a sponsor’s campaign, the payment to the SBA must come directly from the NCSA/PEP sponsor. If the NCSA/PEP sponsor wants the party providing funding to be given some “credit,” the sponsorship ID tag may read: “Sponsored by the [Tax Exempt Organization], with funding provided by [Company X].”

3. The sponsorship ID tag may also include, as a nonmandatory option, “and aired in cooperation with the \_\_\_ Broadcasters Association and this station.”

4. It appears that one key to sustaining the tax-exempt nature of NCSA/PEP programs is to use the money generated by the programs to carry out the SBA’s mission as described to the IRS when it granted the SBA tax-exempt status. The language used by each SBA in their Articles of Incorporation and in their original requests for tax-exempt status may be different. However, the overarching goal of all SBAs is to enhance the ability of their stations to be financially strong, and competitive as well as to serve the public interest, and that is achieved through educational programs, conferences, seminars, etc. Working with your tax advisors, make sure that your filings with the IRS are consistent with the reasons why your SBA sought, and the IRS granted, tax-exempt status in the first place. Avoid describing the program in commercial terms, i.e., avoid using language that makes it sound like the SBA is operating as an ad agency working for “clients” or “customers.”

5. Avoid accepting NCSA/PEP announcements that contain the reasonably identifiable image or voice of legally qualified candidates or those who are about to become legally qualified candidates. An NCSA/PEP announcement that could trigger equal opportunities is either going to (a) not be aired by member stations, who cannot afford to provide equal opportunities to all of that candidate’s opponents, or (b) result in blowback against the SBA by member stations that aired the spot without realizing it creates equal opportunities obligations until stations are inundated with requests for airtime by others running for the same office.

6. Consider not accepting an NCSA/PEP announcement that features any elected official. There is always the risk when elected officials are involved that the opposition political party will become so offended that it will try to use the legislative “purse strings” process to deny the NCSA/PEP campaign funding, and threaten funding for future NCSA/PEP campaigns.

7. Use a form of NCSA/PEP program contract that deals with all the issues that are covered by the contract template used for the Army National Guard. In programs like NCSA/PEP that depend heavily on parties’ goodwill toward each other, the best way of ensuring those relationships do not sour is to ensure the contract addresses the most likely issues for future conflict. If an SBA is “forced” to use a state’s own template, use an attachment/supplement/exhibit to tailor the form of contract to a customary NCSA/PEP program contract.

8. Be aware of your Board’s guidance/limitations on the types of organizations that may be solicited as potential NCSA/PEP sponsors, and guard against internal conflicts of interest by board members, e.g., where one member tries to dictate which NCSA/PEP sponsors are to be “off limits” to the SBA. A sitting Board member has a fiduciary duty to its SBA.

9. If you want to engage a person not employed by your SBA to help you identify potential NCSA/PEP Sponsors, avoid any “commission” structure as such a structure may violate Federal and possibly also State laws. If an SBA wishes to use a nonemployee to perform that function, the nonemployee should be engaged in all facets of the process, including administering the program during the full term of the contract, and his/her compensations should be paid over the contract term, rather than upfront.

10. No NCSA/PEP income should be used to pay for lobbying expenses. The principal rational is this: If you are lobbying a Federal,



State or local official, and are asked whether you are using Federal, state or local government monies to lobby him/her, I want to be honest in saying “no” to avoid the official taking the next possible step, admonishing you and saying that he/she will make sure that that does not happen again. A secondary rationale is: use of NCSA/PEP dollars to lobby a particular matter may violate some law that should always be checked out first. Rather, such expenses should only be paid with income generated from non-NCSA/PEP sources, i.e., dues, convention and seminar revenues, etc. To help ensure a cleaner paper-trail, it is recommended that each SBA use two income accounts, one built upon NCSA/PEP income deposits, and a separate one containing deposits from all other income sources. If NCSA/PEP income is needed, from time to time, to subsidize the SBA’s general operating expenses, a periodic transfer of funds is of course permissible.

11. If your Board wants your SBA to get into the “ad agency” business, consider forming a separate, subsidiary legal entity to carry on that business, and seek advice from your tax advisor.

*This memo was written by NASBA Counsel Richard Zaragoza on September 18, 2018*

## HOW TO PREP YOUR ASSOCIATION FOR SLC

- » Register your broadcast members for SLC through the NAB website (usually November 1)
- » Make hotel reservations for your members. NAB does provide registration links to preferred hotels but you can make reservations anywhere in DC. It is best to be close to the SLC venue and Capitol hill.
- » Instruct your members to make airfare reservations early
- » Make appointments with your legislators/staffers
  - Provide your members with agendas for SLC and for your legislative meetings. Have a prep meeting with your attendees.
  - Provide the NAB white papers and formulate a plan for each visit—ie, who will speak and explain the broadcasting issues.
- » Ideally, choose the person who is in the member’s district to speak/present the lead issue in the meetings.
- » Have an opening for each visit that is an elevator pitch about the delegation visiting the member: We represent \_\_\_ members, raised \$ \_\_\_ for non-profits last year and employ \_\_\_\_ (State/i.e. Minnesotans, lowans, etc.).
- » Example—“our group of 10 represents 58 radio and TV stations, who employ nearly 900 Minnesotans, raised \$8.1 million for non-profits in the past year and worked with 400+businesses to help strengthen their community’s economy through business partnerships.
- » Take a group pic and Tweet it out at the end of the meeting/day, tag the member and stations represented and add a thank you the representative/staffer.
- » Fill out the post legislative meeting forms from the NAB and submit.
- » If you want to Plan a dinner out with your membership, make reservations early since large groups are sometimes difficult to accommodate.



## RELATIONSHIP BUILDING ON CAPITOL HILL

If Members are likely to be newly elected to Congress, encourage broadcasters to meet them as candidates and develop the relationship early. Those running in open seats may qualify for NABPAC support, after completing our candidate questionnaire. Contact [jflemming@nab.org](mailto:jflemming@nab.org) for a current questionnaire.

- » If a Member is an incumbent and there is no established relationship, schedule a meeting today!
- » Develop the relationship:
  - Build it before you need it
  - Make use of district work periods (aka Congressional recesses) when Members are home
  - Utilize NAB's Broadcaster's Playbook for talking points and ideas:  
[https://www.nab.org/sites/speakUp/Broadcasters\\_Playbook.pdf](https://www.nab.org/sites/speakUp/Broadcasters_Playbook.pdf)
  - Get to know key staff – chief of staff, legislative director, scheduler, judiciary/telecom legislative assistants
  - Find and use Members' social media handles to send positive notes
  - Don't limit relationship development to Members who represent districts where your member broadcasters' stations are based, but also consider those within your broadcasters' reach and establish relationships with those Members of Congress as well.
- » Ideas for in-district meetings
  - Set up a meet and greet with your member broadcasters
  - Invite them into your members' stations for tours or interviews
  - Attend political events (NABPAC happy to help navigate)
- » Hill Visits and how to make them work for you
  - Request meetings as early as possible through the scheduler in the Washington, D.C. office for the Member of Congress
  - Copy other staffers you may have relationships within the office
  - Provide info on other attendees, issues to discuss, etc in the request
  - Consider ways to make the meeting more compelling like bringing local talent with you, sharing stories that directly impact the district, etc.
  - Aim for a Member meeting, but don't decline staff substitutes – those relationships can be of equal or greater value
    - Keep in mind a staffers' concept of radio and television may be different than yours. They can be your best supporter in the office or your worst obstacle.
    - Be patient and educate as well as advocate. A legislative aide today may be tomorrow's Senator or House Member
- » NAB's lobbying and state association teams are here to help provide contacts, guidance, etc.
- » If scheduling multiple meetings, allow for adequate time for travel, security, etc.
- » Preparation for the meetings:
  - Consider leave-behind materials that incorporate Member and/or district-specific information
    - NAB provides leave-behinds for the annual State Leadership Conference
  - Determine roles for meeting attendees – assign topics, order of speaking, etc.
  - Be clear on the ask or other purpose of the meeting
  - Confirm locations and meeting times one day prior
- » Follow-up
  - Set reminder for follow-up
  - Social media – Members of Congress appreciate positive messages via social media (Twitter; Instagram; Facebook).
    - Use MOC handle
    - Thank them for being helpful to broadcasters on a certain issue or hosting broadcasters for a meeting
  - Send thank you note to staff/Member
  - Don't forget to share intel with NAB lobbying/state association teams

## LISTSERVS & WEB RESOURCES

NASBA maintains a listserv to facilitate communications between members.

**nasbalist@gaggle.email** is the general listserv for all association members, staff, attorneys and engineers. Simple use that address in the "To" field of your email and it will be parsed to all members.

If you need to add a new employee to the listserv, please contact Susan Reinhardt.

**NASBAonline.net** is the main NASBA website for members. You can log into the member section using your email address as your username. There you'll find many resources from a PEP "campaign ideas bank" to speaker recommendations and ABIP resources.

**CareerPage.org** is the national jobs board for all state broadcasters associations. We encourage you to invite your members to register online and post their jobs. These jobs can be distributed to nationwide recruiting sources or local sources that your station provides. Registration requires an access code that only your association can provide to your members. The access code that you provide to your members is 3Sdg54.

**EASAlert.org** provides resources regarding Emergency Alert System using Common Alerting Protocol-enabled (CAP) and IPAWS. Our partners include NOAA, NWS, FEMA, FCC, SBE and more.

**GetYourWordOut.org** is our newest site for efforts at national PEP campaigns from which all state associations will benefit. Each state maintains its own page that can highlight campaigns your association is running and who at your association can provide more information.

## USE NASBA SOCIAL MEDIA

Whether you're getting the word out about your broadcasters good reporting, public service or career opportunities, be sure to include the following social media accounts whenever possible to broaden the range of your posts.



**@NASBAOnline** provides information on important meeting arrangements, upcoming events and trending news.



**@NABStates** is responsible for building a strong relationship between the state broadcaster associations and the National Assn. of Broadcasters



**@BroadcasterJobs** is the Twitter account for CareerPage.org - all jobs posted are posted. Please RETWEET!



**@NABNewsroom** provides the latest news releases and position statements from the National Association of Broadcasters



**@nabtweets** for all tweets NAB - a great advocacy tool to help highlight your broadcasters. #WeAreBroadcasters



**@NABEF** is a non-profit organization dedicated to reinforcing the future of #broadcasting through a commitment to #education, #diversity



**@BroadlyServing** for information regarding the service broadcasters provide to the public across the country...EVERYDAY



**@NABPilot** is dedicated to advancing broadcast technology and cultivating new media opportunities.

### AND DON'T FORGET INSTAGRAM!!!



**@NASBAStates** is the **\*\*NEWEST\*\*** account for spreading the good word about NASBA!

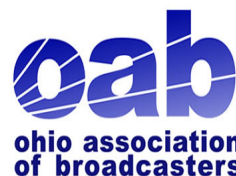
## HOW #NASBAWorks!

In 2019, facing direct competition for sponsors, the NASBA Board launched a voluntary donation program that was attached to meeting registrations. Donations ranged from \$50-\$500 and were completely voluntary. In the three years of the program each time NASBA has an event, an average of 20 SBAs donate what they can to help with meeting expenses.

In those three years, NASBA members have been helping NASBA in the amount of \$17,725.

The 2022 #NASBAWorks Contributors:

**Alabama** Broadcasters Association **Arizona** Broadcasters Association **Connecticut** Broadcasters Association  
**Florida** Association of Broadcasters **Georgia** Association of Broadcasters **Hawaii** Association of Broadcasters  
**Illinois** Broadcasters Association **Indiana** Broadcasters Association **Kentucky** Broadcasters Association **Louisiana**  
Association of Broadcasters **Minnesota** Broadcasters Association **Mississippi** Association of Broadcasters **Missouri**  
Broadcasters Association **Montana** Broadcasters Association **Nebraska** Broadcasters Association **New Mexico**  
Broadcasters Association **New York State** Broadcasters Association **North Dakota** Broadcasters Association  
**Ohio** Association of Broadcasters **Oklahoma** Association of Broadcasters **Rhode Island** Broadcasters Association  
**South Carolina** Broadcasters Association **Texas** Association of Broadcasters **Virginia** Association of Broadcasters  
**Washington State** Association of Broadcasters **Wisconsin** Broadcasters Association



**AMENDED AND RESTATED BYLAWS**  
**OF**  
**NATIONAL ALLIANCE OF STATE BROADCASTERS ASSOCIATIONS**

**ARTICLE I**

**Office**

Section 1. Principal Office. The principal office of the Corporation shall be in the District of Columbia.

Section 2. Other Offices. The Corporation may also have an office or offices in such other place or places as the business of the Corporation may require and the Board of Directors may from time to time appoint.

**ARTICLE II**

**Members**

Section 1. Annual Meeting. There shall be an annual meeting of the members, on a day duly designated by the Board of Directors, for the purpose of electing directors to succeed those whose terms shall have expired as of the date of such annual meeting and for the transaction of such other corporate business as may come before the meeting.

Section 2. Special Meetings. Special meetings of the members may be called at any time for any purpose or purposes by the President, by the President-Elect, the Secretary/Treasurer, by a majority of the Board of Directors or by those members qualified to cast at least ten percent (10%) of the votes at such meeting, and shall be called forthwith by the President, the President-Elect, the Vice President, the Secretary/Treasurer or any director of the Corporation entitled to vote on the business to be transacted at such meeting. Such request shall state the purpose or purposes of the meeting. Business transacted at all special meetings of members shall be confined to the purpose or purposes stated in the notice of the meeting.

Section 3. Place of Holding Meetings. All meetings of members shall be held at the principal office of the Corporation or elsewhere in the United States as designated by the Board of Directors from time to time. If a meeting of the members is held by members which are permitted, by the Board of Directors pursuant to Article II, Section 7 of these Bylaws, to participate in the meeting and vote exclusively by mail, telephone call, telegram, cablegram, electronic mail, or any other means of electronic or telephonic transmission (including facsimile) rather than in person, the place of the meeting shall be deemed to occur at the principal office of the Corporation in the District of Columbia unless the Board of Directors of the Corporation shall have established a different location of such meeting.

Section 4. Notice of Meetings. Written notice of each meeting of the members shall be delivered personally, electronically or by mail, postage prepaid by the Secretary/Treasurer, to each member of record entitled to vote at such meeting at its post office address, as it appears upon the books of the Corporation, at least ten (10) days before the meeting. Each such notice shall state the place, day, and hour at which the meeting is to be held and, in the case of any special meeting, shall state briefly the purpose or purposes thereof. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at its address as it appears on the records of the Corporation with postage prepaid thereon. An electronic communication is deemed delivered and received when it enters the designated information processing system from which the recipient is able to retrieve the electronic record. An authorization by a member of delivery of notices or communications by electronic transmission may be revoked by the member by notice to the corporation in the form of a record. The authorization shall be deemed revoked if the corporation is unable to deliver two (2) consecutive notices or other communications to the member in the manner authorized, and such inability becomes known to the person responsible for giving the notice or other communication.

Section 5. Quorum. The presence in person or by proxy of, at least fifty-one percent (51%) of the members of the Corporation shall constitute a quorum at all meetings of the members except as otherwise provided by law, by the Corporation's Articles of Incorporation or by these Bylaws. If a quorum existed at the commencement of a duly called meeting of members, such quorum shall be deemed to continue to exist for all purposes until adjournment of such meeting notwithstanding the later withdrawal of members from such meeting. If less than a quorum shall be in attendance at the time for which the meetings shall have been called, the meeting may be adjourned from time to time by a majority vote of the member present or, represented, without any notice other than by announcement at the meeting, until a quorum shall attend. At any adjourned meeting at which a quorum shall attend, any business may be transacted which might have been transacted if the meeting had been held as originally called. Members which are permitted, by the Board of Directors pursuant to Article II, Section 5 of these Bylaws to participate in the meeting and vote by mail, telephone call, telegram, cablegram, electronic mail, or any other means of electronic or telephonic transmission (including facsimile) shall be deemed present in person for quorum purposes.

Section 6. Conduct of Meetings. Meetings of members shall, be presided over by the President of the Corporation, or, if he or she is not present, by the President-Elect, or, if he or she is not present, by the Vice President, or, if none of said officers is present, by a chairperson to be elected at the meeting. The Secretary/Treasurer of the Corporation, or if he or she is not present, any Assistant Secretary/Treasurer shall act as secretary of such meetings; in the absence of the Secretary/Treasurer, the presiding officer may appoint a person to act as Secretary of the meeting.

Section 7. Voting. At all meetings of members every member entitled to vote shall have one (1) vote. Such vote may be in person or by proxy provided in writing and dated by the duly authorized officer, director, employee or agent of such member giving the proxy. Such proxy need not be sealed, witnessed or acknowledged. Such vote may



also, if authorized by the Board of Directors for a particular meeting of the members, be by any of the following means as specifically approved by the Board of Directors for such meeting: mail, telephone call, telegram, cablegram, electronic mail, and/or any other means of electronic or telephonic transmission (including facsimile and conference call); provided that the member shall state, or submit information from which it can be determined, that the method of voting to be used by the member was authorized by such member. By way of example for clarification purposes, if a meeting of members is duly called to occur at a particular physical location, the Board of Director shall authorize members which are neither physically present nor represented by proxy at the meeting to participate and vote by telephone in which case the Corporation shall provide conference call facilities and include call-in instructions in the notice of meeting; provided, that such opportunity to participate and vote by conference call shall not apply in connection with either (i) the Corporation's annual member meeting in Washington, D.C. traditionally held around the time when the National Association of Broadcasters ("NAB") holds its Annual State Leadership Conference or (ii) the Corporation's second annual member meeting usually held in conjunction with the NAB's annual Radio Show. If the Board of Directors determines that a meeting of the members is to be conducted exclusively by conference call, the Corporation shall provide conference call facilities as well as include call-in instructions in the notice of the meeting. Any member which is not itself or by proxy present physically or by telephone (if voting by conference call is permitted for such meeting) in the meeting room for a particular vote shall not be entitled to vote in any other way. Notice of all proxies to be exercised at a particular meeting of the members shall be delivered in person or by any electronic means to the Secretary/Treasurer of the Corporation at the commencement of such meeting. All elections shall be had and all questions shall be decided by a majority of the votes cast at a duly constituted meeting, except as otherwise provided by law, in the Articles of Incorporation of the Corporation or by these Bylaws.

A vote by ballot may be taken upon any election or matter if the chairperson of the meeting shall so determine, or upon the request of ten percent (10%) or more of all of the members entitled to vote on such election or matter. The Corporation may appoint one or more election inspectors, who shall: (i) count the number of members and voting power, (ii) determine members present, (iii) determine validity of proxies and ballots, (iv) count the votes, and (v) determine the result.

Section 8. Identity of Members. The members of the Corporation shall be composed solely of State Broadcasters Associations which are broadcasters associations representing the free, over-the-air, commercial, full-power radio and/or television stations licensed by the Federal Communications Commission to the District of Columbia or to communities throughout the entirety of any single State or any single Territory of the United States and which shall have paid the annual dues imposed by the Corporation; and such State Broadcasters Association shall retain its status as member so long as it pays any and all annual dues imposed by the Corporation upon its members. Each State Broadcasters Association shall appoint a representative to act on its behalf at meetings and votes of the Corporation.



## ARTICLE III

### Board of Directors

Section 1. General Powers. The property and business of the Corporation shall be managed under the direction of the Board of Directors of the Corporation. The Board of Directors of the Corporation may also be referred to as the "Executive Committee" of the Corporation in which case the identity and rights and obligations of the Executive Committee of the Corporation shall be the same as those of the Board of Directors of the Corporation under the Articles of Incorporation of the Corporation and these Bylaws.

Section 2. Composition and Term of Office. The Board of Directors shall be composed of the Officers of the Corporation and the Immediate Past President of the Corporation. The Officers of the Corporation shall be the President, President-Elect, Vice President, and Secretary/Treasurer. These Officers shall hold office for a term of one (1) year commencing immediately upon election. Neither the President, President-Elect, nor Vice President shall be eligible to serve two (2) consecutive terms in the same office.

Section 3. Qualifications for Directors. All members of the Board of Director shall be representatives of a State Broadcasters Association that is a member in good standing of the Corporation.

Section 4. Filling of Vacancies. Whenever a vacancy occurs in any office of the Corporation, it shall be filled by appointment of the remaining members of the Board of Directors. The person appointed shall hold that office for the balance of the unexpired term and shall not be precluded from eligibility for a full term. In the case of a vacancy in the ex-officio office of Immediate Past President, the next most recent Past President shall serve the remainder of that term.

Section 5. Duties of the President. The President shall preside at all meetings of the members of the Corporation and of its Board of Directors. He or she shall be the chief executive officer of the Corporation and shall have general charge and control of all its business affairs and properties. He or she may recommend creation of board committees, to be approved by vote of the Board of Directors, and shall serve *ex officio* on all committees created.

Section 6. Duties of the President-Elect. The President-Elect shall perform all the duties incumbent upon the President during the absence or disability of the President.

Section 7. Duties of the Vice President. The Vice President shall perform all the duties incumbent upon the President and President-Elect during the absence or disability of President and President-Elect.

Section 8. Duties of the Secretary/Treasurer. The Secretary/Treasurer shall attend all meetings of Corporation and its Board of Directors and keep complete and accurate record of the proceedings of such meetings. In the absence of the Secretary/Treasurer from any meeting, the presiding officer shall appoint an Assistant

Secretary to perform the Secretary's duties at that meeting. The Secretary-Treasurer shall manage the funds and securities of the Corporation and he or she shall keep the financial records of the Corporation. He or she shall deposit all funds in the name and to the credit of the Corporation in such depository or depositories as may be designated by the Members at the Annual Meeting or the Board of Directors. He or she shall provide an annual financial report to the membership of the Corporation. The Board of Directors may appoint an Assistant Treasurer to perform all of the duties of the Secretary/Treasurer in the absence or disability of the Secretary/Treasurer.

Section 9. Compensation of Directors. Directors shall not receive any stated salary for their services as such, but each director shall be entitled to receive from the Corporation reimbursement of expenses reasonably incurred by him or her in attending any meetings of the Board, except any Board meeting held at or in conjunction with annual or special meetings of the membership of the Corporation. Nothing herein shall be construed to preclude any director from serving the Corporation in any other capacity and receiving compensation therefor.

Section 10. Meetings of the Board of Directors. The Board of Directors may hold their meetings and have one or more offices, and keep the books of the Corporation, either within or outside the District of Columbia, at such place or places as they may from time to time determine. A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business. The Board of Directors may hold their meetings by conference telephone or similar electronic communications equipment in accordance with the provisions of the District of Columbia law regarding Nonprofit Corporations.

Section 11. Creation of Committees. The Board of Directors may create, from time to time, Committees of the Board and/or Advisory Committees. The Board may delegate certain (but not all) of its powers to one or more Board Committees (which must consist exclusively of one (1) or more directors), including standing committees, except as otherwise provided by law, the Corporation's Articles of Incorporation or these Bylaws. The Board may also create or authorize Advisory Committees, whose members need not be directors, and which shall not exercise any powers of the Board. Committees and their members shall serve at the pleasure of the Board of Directors.

Section 12. Nominating Committee. The Nominating Committee shall be a standing committee of the Board. It shall consist of the then President, President-Elect, Vice President, and Secretary/Treasurer. Each year, the Nominating Committee shall submit to the Members, a slate of nominees for officers of the Corporation for the ensuing year for election at the Annual Meeting. Nominations may be made from the floor of the Annual Meeting.

## ARTICLE IV

### Critical Issues Fund

A “Critical Issues Fund” shall be managed for the Corporation by a “Critical Issues Fund Committee,” whose membership and officers shall be determined, from time to time, by the full membership of the Corporation, by the same procedure as for selection of members and officers of the Board of Directors.

## ARTICLE V

### Miscellaneous

Section 1. Fiscal Year. The fiscal year the Corporation shall be determined by the Board of Directors.

Section 2. Notices. Whenever, under the provisions of the Articles of Incorporation of the Corporation, or these Bylaws, notice is required to be given to any member, director, or officer, such notice shall be given in writing by any of the following means: (a) by mail or overnight delivery by depositing the same in a United States post office or letter box in the case of mail, or with a nationally recognized overnight carrier, in a prepaid sealer wrapper, addressed to such member, officer or director, as the case may be, at such street or post office address as appears on the books of the Corporation for such member, officer or director, and such notice shall be deemed to be given at the time the same shall be thus mailed or overnighted, or (b) by electronic mail or any other means of electronic transmission, including facsimile, addressed to such member, officer or director, as the case may be, at such electronic mail or facsimile address as appears on the books of the Corporation for such member, officer or director and such notice shall be deemed to be given at the time the same shall be thus electronically mailed or faxed. Notwithstanding the foregoing, the requirements for notice to members for member meetings shall be controlled by Article 11, Section 4 of these Bylaws. Any member, director or officer may waive any notice required to be given under these Bylaws.

## ARTICLE VI

### Amendment

Amendment of Bylaws. The Bylaws may only be amended by two-thirds vote of all members of the Corporation in good standing.

## ARTICLE VII

### Indemnification


Section 1. Indemnification of Directors and Officers. The Corporation shall indemnify and advance expenses to a director or officer, or former director or officer, of the Corporation in connection with a threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative or investigative, by reason of the fact

that such person is or was a director or officer of the Corporation, or is or was serving at the request of the Corporation as a director or officer of another corporation, partnership, joint venture, trust or other enterprise, to the fullest extent permitted by and in accordance with District of Columbia Law regarding Non-Profit Corporations, as the same may be amended from time to time. Such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled under any bylaw, agreement, vote of the Board of Directors or of the members of the Corporation, or otherwise.

Section 2. Indemnification of Employees, Agents and Volunteers. With respect to an employee, agent or volunteer of the Corporation, other than a director or officer, the Corporation may, as determined by the Board of Directors of the Corporation, indemnify and advance expenses to such employee, agent or volunteer in connection with a threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of fact that such person is or was an employee, agent or volunteer of the Corporation, or is or was serving at the request of the Corporation as an employee, agent or volunteer of another corporation, partnership, joint venture, trust or other enterprise, to the fullest extent permitted by and in accordance with Section 1 of this Indemnification Section.

### **Certification**

Michelle Vetterkind, being Secretary/Treasurer of the Corporation, hereby certifies that the foregoing "Amended and Restated Bylaws of National Alliance of State Broadcasters Associations" were duly adopted by the membership of the Corporation at a meeting of the membership held via conference call for which notice was duly given and at which quorum was present via conference call, on January 27, 2012 at Washington, District of Columbia, USA.

  
Secretary/Treasurer

Michelle Vetterkind

# EXECUTIVE COMMITTEE NOMINATION CONSIDERATIONS

The Nominating Committee is made up of the President, President-Elect, Vice President, Secretary-Treasurer and Past President. That committee submits a slate of officers to the members for election at the annual meeting. Nominations may also be made from the floor. The committee should as best as possible, reflect the diversity of state membership by size and geography. Interested persons should contact an Executive Committee member of their interest by October 15 of each year.

## QUALIFICATIONS:

- » The bylaws only state that “a person must be a representative of a State Association that is a member in good standing.”
- » It should go without saying, but an executive committee member should have the full support of his/her association as well as have a passion for association work and strive to treat NASBA as you would your own association, all in furtherance of the best interests of your members.
- » Patience, collaboration and a good sense of humor are also important traits to possess.

## CONSIDERATIONS:

- » The commitment is for 5 years serving from Secretary-Treasurer through Past President.
- » The executive committee meets formally four times per year – once at the SLC meeting and once at the Radio Show. In both cases, executive committee members are expected to arrive a day early. The other two meetings are for a spring/summer 1 ½ day meeting (location TBA) and in November in DC for 1 ½ days with NAB staff.
- » In the first year as Secretary-Treasurer, you are expected to review all NASBA bills and in conjunction with the Chair-Elect put together the next year’s budget.
- » As an executive committee member, it is expected that you might also attend other selected meetings/ events at your association’s expense. (Examples might include Service to America, or last minute meeting with NAB or FCC/Congress).
- » Travel expenses (other than hotel and a couple of the meals at the summer and NAB November meetings) are the responsibility of the committee members. It is custom that the state association reimburses the member for his/her expenses to attend such meetings/events.
- » In addition to face to face meetings, the executive committee meets informally by phone a minimum of once a month, and exchanges emails regularly (several times per week). Emails and phone calls increase during the term as President.
- » Although not required, but because of the important advocacy role that our associations play in Washington and working in close coordination with NAB, executive committee members are urged to personally contribute to NABPAC and consider other reasonable contributions to key members of Congress.
- » Additional phone calls, conference calls and emails are ongoing with NAB as this committee at times serves as a sounding board for NAB in regards to NASBA.



National Alliance of State Broadcasters Associations

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