

SUBJECT: CAMPAIGN ACTIVITIES OF POLITICAL ACTION COMMITTEE

SUMMARY:

A PAC is not prohibited from soliciting contributions for candidates. Expenditures made on behalf of the solicitation are to be disclosed by the PAC. A candidate does not need to disclose any value associated with attendance at a campaign strategy workshop, however, the PAC must disclose its expenditures involving such workshop.

QUESTION:

The Interim Executive Vice President of BIPEC has raised several questions, some of which have been addressed by the Secretary of State in a response dated January 13, 1992. The VP questions whether the PAC may solicit funds for candidates and whether an election year campaign strategy workshop may be offered to selected candidates.

DISCUSSION:

This opinion is rendered in response to a letter dated January 21, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

As to the first question, a PAC may solicit funds for candidates but is restricted to the limitations of Section 8-13-1314 as to what contributions may be made by the PAC to the candidate. Section 8-13-1314 provides in part as follows:

Within an election cycle, no candidate or anyone acting on his behalf may solicit or accept:

- (1) a contribution which exceeds:
 - (a) three thousand five hundred dollars in the case of a candidate for statewide office; or
 - (b) one thousand dollars in the case of a candidate for any other office;

In keeping with the intent of this section, contributions received by the PAC may not be directed by a contributor to a particular candidate.

Section 8-13-1308(E) provides in part as follows:

Certified campaign reports detailing campaign contributions and expenditures must contain:

* * *

- (3) the total expenditures made by or on behalf of the candidate or committee;
- (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

Thus, costs associated with fund raising by the PAC are to be included in the Campaign Disclosure Report.

As to the second question, the costs associated with the presentation of a campaign strategy workshop are to be reported as an expenditure by the PAC. The candidates who attend such workshop do not need to disclose a contribution by the PAC for the costs of such workshop.