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NAIFA National Leadership Conference

Legal Boundaries of Political Activity: When Campaign Finance Meets Advocacy

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Attorney-Client Communication
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Campaign Finance – Prohibited Activities

- Contributions from the general treasury of corporations, unions, or government contractors
- Corporate in-kind contributions
- Reimbursement of contributions
- Pressure, coercion, threats
- Involvement of foreign nationals
- Comingling funds
- NOTE: Campaign contributions should always be separate from lobbying or requests for official action

PACs – Separate Segregated Funds (SSF)

- The NAIFA "family of PACs" (formerly known as "IFAPAC")
  - Federal PAC = NAIFA PAC
    - Regulated by the Federal Election Commission (FEC)
  - Various NAIFA State PACs
    - Regulated by state regulators (i.e. CA FPPC; WA PDC)
- Member contributions will go directly to the NAIFA PAC and to the applicable state PAC
- Process ensures compliance and timely availability of funds
- Strict compliance required

PACs – SSF: Solicitations

- We can only solicit our members
- We cannot solicit the general public and other PACs
- Solicitation is defined broadly (more than just asking for money)
- Disclaimers must be included on solicitations (i.e. “You have the right to refuse to contribute without reprisal)
- No coercion, threats, or pressure
- No assumption of contributions – members must affirmatively choose to contribute

PACs – SSF: Treasurer's Obligations

- The treasurer is legally responsible
- Screen for excessive/corporate/foreign contributions
- Sign and certify all reports to the FEC/state regulator
- Ensure timely and accurate filings
- Maintain records for time period required under state law

Your Steptoe Team

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