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STATE OF ALABAMA

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91-00135

Honorable Perry A. Hand
Secretary of State
State of Alabama
Alabama State House
11 South Union Street
Montgomery, Alabama 36130

Elections - Fair Campaign
Practices Act - Contributions -
Political Action Committees

There are no statutory provisions that prohibit the earmarking of political contributions for a specific candidate or election when the contribution is made to a political action committee (PAC). Nor are there any provisions that require that the earmarked funds be spent by the PAC for that particular candidate or election.

Dear Mr. Hand:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Is it legal for a contribution or contributions to be earmarked through a political action committee (PAC) for a candidate or candidates?

FACTS AND ANALYSIS

You refer to Section 18 of the Fair Campaign Practices Act which is codified at Code of Alabama 1975, § 17-22A-18. This section states:

"It shall be unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; provided, however, that nothing in this chapter would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to section 17-22A-8."

"Person" as used in this section is defined in § 17-22A-2(8) as:

"An individual, partnership, committee, association, corporation, labor organization or any other organization or group of persons."

Section 17-22A-18 specifically allows PACs to receive contributions from other persons in order for the PAC to make contributions to candidates, political committees or elected officials. It is our opinion that § 17-22A-18 does not prohibit an individual or corporation from specifying that his contribution to the PAC is for a particular candidate.

An individual may contribute to a PAC as often as he or she chooses without limitation as to amount. Opinion to Honorable Al Knight, Member, House of Representatives, under date of April 5, 1988 (88-00238). A corporation, however, is limited in a given calendar year to a contribution of \$500 per election to a candidate or his political committee and \$500 for each separate election occurring in a given calendar year to as many political action committees (PACs) as it chooses. Code of Alabama 1975, §§ 10-2A-70.1 and -70.2 and opinion to Al Knight

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cited above. Although a corporation is limited by the amount it may contribute, there are no provisions in the law relating to PACs which direct the time during which contributions must be spent or which require that funds contributed for a certain election or candidate actually be spent by the PAC for that election or candidate. Opinion to Honorable Larry Dixon, Member, State Senate, under date of December 28, 1989 (90-00078).

CONCLUSION

There are no statutory provisions that prohibit the earmarking of political contributions for a specific candidate or election when the contribution is made to a political action committee (PAC). Nor are there any provisions that require that the earmarked funds be spent by the PAC for that particular candidate or election.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:



BRENDA FLOWERS SMITH
Assistant Attorney General

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