

SUBJECT: CORPORATION AND FEDERAL PAC SUPPORT OF STATE PAC

SUMMARY: A corporation and a Federal PAC may each contribute up to \$3,500 per calendar year to a State PAC.

QUESTION: The Senior Government Affairs Representative of Amoco Corporation questions whether the corporation is restricted to contributing \$3,500 to the corporation's State PAC in a calendar year. He also questions whether the corporation's Federal PAC could also contribute \$3,500 to the State PAC.

DISCUSSION:

This opinion is rendered in response to a letter dated April 2, 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.

Section 8-13-100(24) defines person as:

"Person" means an individual, a proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, an estate, a company, committee, an association, a corporation, club, labor organization, or any other organization or group of persons acting in concert.

Section 8-13-1322 provides:

- (A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.
- (B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty-five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

From the facts as submitted, it appears that the corporation and the Federal PAC are two different "persons" as defined in Section 8-13-100(24). Each person is restricted to contributing \$3,500 per calendar year to a committee. Therefore, both the corporation and the Federal PAC may each contribute up to \$3,500 to a committee per calendar year in accordance with Section 8-13-1322.