

PAC STRUCTURE

What is a PAC?

A political action committee is a regulated entity created to allow a group of individuals to expend funds to exercise political influence in an election. Through PACs, individuals and organizations can significantly enhance their collective impact on the electoral process. This usually includes supporting, endorsing or opposing candidates for public office. To further political objectives, PACs raise money to help elect candidates (or pass referenda) or they spend money, including direct contributions, to defeat those candidates (or issues) they oppose. Generally PACs are formed by entities such as membership organizations, labor unions, and corporations which cannot, as a matter of law, engage in electoral activities directly.

Purpose of the California NOW PAC

The purpose of CA NOW's political action committee is to increase dramatically the number of feminists elected to public office and to advance the feminist agenda through electoral activity. CA NOW PAC is the only PAC that evaluates candidates' positions on the full range of feminist issues including but not limited to:

- Support for reproductive rights without restrictions,
- Economic equality
- Civil rights for all, with special emphasis on equal rights for people of color and lesbians and gays,
- Constitutional equality for women,
- Affirmative action,
- Elimination of violence against women

In order to achieve the ultimate goal of full equality for women, achieving parity for women in policy-making bodies is critical. Therefore, we aggressively seek, support, and endorse feminist women candidates at the state and local levels.

What kinds of PACs does CA NOW have?

State and Local PACs: A state or local PAC is governed by the laws of the state in which it is established, the locality in which it is located, and by the laws of the state in which it expends funds.

What are the CA NOW PAC Criteria for Supporting Candidates?

Candidates must be feminist leaders and strong supporters of women's rights issues including, but not limited to:

- **support for reproductive rights without restrictions,**
- **economic equality,**
- **civil rights for all, with special emphasis on equal rights for people of color and lesbian and gays,**
- **constitutional equality for women,**
- **affirmative action,**

➤ **elimination of violence against women**

Endorsements go to the strongest feminist candidate. Experience has taught us that, between two candidates with equal records on our issues, over time women candidates will generally perform better than their records would indicate, and that we must have large numbers of feminist women, a sort of critical mass, to win when women's rights are at stake. However, while CA NOW PACs seek to bring more women into public office, it will not support a woman against a "good" man when he is the better candidate on our issues. Our PAC is to elect the strongest supporters of women's rights, and CA NOW PAC is the only women's rights PAC that endorses strong feminist male candidates.

When all other criteria are equal The CA NOW PAC will support a woman candidate over a man.

Evaluation Standards

CA NOW PACs use the same standards when evaluating male and female candidates. Some people seem to hold women to a higher standard (looking for absolute perfection) than men and are willing to support less-than-perfect men, but not less-less-than perfect women candidates. This is a discriminatory, double standard. No candidate should be endorsed unless they are strong supporters of our issues. It is also not CA NOW/PAC policy to endorse the less of two evils. You do not have to and should not endorse in every race.

Incumbent Friends

We must support those who have worked hard and led in the drive for our key issues as strongly as we must defeat our opponents. We cannot forget our friends who have been fighting for us, especially when they really need our support. However, you should also evaluate an incumbent's enhanced fund-raising capabilities when deciding where to allocate our hard-earned and limited PAC funds.

Party Affiliation

CA NOW PACs are non partisan and determine their support, endorsement, and contributions according to CA NOW's purpose and goals. It is beneficial to have CA NOW supporters in position to influence the policies of all political parties. It is valid, however, to look at the implications of party control in legislative bodies when determining endorsement and electoral strategy.

What NOW Members, Chapters and States Can and Cannot do for Federal Candidates

Introduction

These guidelines are designed to answer the most frequently asked questions concerning what NOW chapters and states may do on behalf of the U.S. Senate, House, Presidential or other federal candidates. While some actions might be technically legal, we are asking NOW subunits not to go into "borderline" areas not outlined here. By staying within these guidelines, we will avoid the more subtle and complex areas of the federal exception laws and hope to avoid expensive challenges concerning compliance. Before taking any action which is not addressed in

these guidelines or about which there is any question, please contact the Political Department at the National Action Center for advice.

General Principles to Keep in Mind

NOW, at all levels, is prohibited by law from making contributions to any candidate for federal office. Political Action Committees organized under state and not federal laws are also prohibited from making such contributions. A “contribution” to a candidate has been made if funds, no matter how small, are spent in support of the candidate (except for communications limited to currently paid NOW members) or if materials, labels, paid staff or services (other than volunteer services) are provided without reimbursement to NOW for the total cost of providing them.

Only a federal PAC, such as the national NOW PAC, may lawfully contribute to a federal candidate’s campaign. The PAC’s limit for such contributions is \$5,000 per candidate per election period. NOW subunits are prohibited from forming federal PAC’s to avoid violations of the federal limits, since the contributions of all affiliated PAC’s would be aggregated in determining whether contribution limits had been exceeded. Violations of these limits could subject NOW PAC and any NOW affiliated PACs to substantial penalties. When a presidential candidate has qualified for and accepted public financing, NOW PAC cannot make any contributions to the campaign.

Because of the prohibitions against NOW making contributions, NOW regions, states and chapters cannot allow federal candidate’s campaign to use NOW phone banks or mailing lists without payment or reimbursement. All rentals or exchanges of mailing lists must be arranged through the National Action Center.

NOW members, acting as individuals, may take action or make contributions to any campaign.

What NOW members CAN do

Action by NOW members, working as individuals, and not through their chapter or state, is one of the easiest ways to help a federal campaign, with a minimum of restrictions under election laws. The main requirement to keep in mind is that the individual members or the campaign must pay for any election related expenses.

Individual NOW members can, for example, sponsor a house party, reception or other fund-raising event and can invite both NOW and non-NOW members. Individual NOW members can also solicit volunteer time, contributions and votes from other NOW members or from the general public, by mailing followed up by phone calls or by phone calls alone. (Mailings alone are unlikely to be productive.)

NOW must be paid for any NOW lists which are used for mailings or phone banks, and neither NOW/CA NOW staff nor telephones paid for by NOW/CA NOW can be used without reimbursement to NOW/CA NOW. Please remember that NOW/CA NOW’s policy prohibits giving membership lists or labels directly to a campaign, therefore when requesting labels from the National Action Center be sure you have the name and address of the mail

house to which labels are to be sent for mailing or the name of a NOW activist who will oversee the one time mailing.

In soliciting contributions, individual members may provide the address of the campaign to which money may be sent. They may also choose to have the contributions, made payable to the campaign, sent to a central location where they will be “bundled” and sent as a group to the campaign. Again, an individual member’s address should be used for this purpose, not the chapter address.

If expenditures, no matter how small, are made by individuals on behalf of a candidate, they must be reported to the campaign as contributions; otherwise, they will be deemed to be “independent expenditures.” If independent expenditures are made, the candidate’s campaign cannot be involved in any way with the expenditures or the related activities, including a candidate appearance at the event. If the total of the independent expenditures is \$5000 or more, in aggregate, it must be reported by the individuals to the Federal Election Commission (FEC).

What NOW Subunits CAN Do

NOW and CA NOW Chapters can include news stories on NOW/CA NOW PAC endorsements, campaign activities and issues in NOW/CA NOW newsletters, but cannot urge support or votes for any federal candidate. A comparison of the candidates’ and parties’ positions on issues, for example, can be published in your chapter newsletter or distributed as a flyer. NOW/CA NOW subunits can also sell newsletter ads to political candidates, individuals or independent expenditure campaigns.

NOW/CA NOW may use phone banks paid for by NOW/CA NOW to call absolutely current NOW/CA NOW members to solicit volunteers, funds or votes for a candidate without the cost of the phone bank being regarded as a “contribution”. Such calls must be limited to current paid up NOW/CA NOW members only and may not be made to expired members even if they are in the grace period before renewal and therefore still listed on NOW/CA NOW’s membership rolls. Therefore, please limit calls to known activists and begin the call by confirming that they are members in good standing. We are asking that NOW/CA NOW subunits limit such communications to telephone calls in order to avoid unintentional errors in mailing to chapter lists which may include not only expired members, but also media representatives, public or others who are not members. NOW chapters should not mail to either the NOW list or the general public in support of a candidate.

CA NOW chapters may call the general public urging support and contributions for a candidate only if (i) volunteers rather than paid staff make the calls, (ii) the CA NOW chapters has not itself paid for any list, and (iii) the chapters have been paid fair value for any CA NOW list, telephones, office space or other CA NOW resources by, or on behalf of, the campaign requesting help.

Telephone calls soliciting money may provide the address of the campaign to which the contribution may be sent. However, since a chapter may not spend any unreimbursed money on behalf of a candidate, the cost of following up the calls must be paid by someone other

than the chapter. It is specifically prohibited to follow-up the call by sending a return envelope in which contributors can send their envelopes, postage, return envelopes, office space and the like.

In recruiting volunteers, telephone numbers of the appropriate campaign office may be provided. CA NOW chapters may wish to urge members to volunteer to work for the campaign on a certain day (preferably a day set aside for CA NOW volunteers) and to wear NOW/CA NOW buttons or certain types of clothing (such as NOW/CA NOW logo T-shirts or a specific color of clothing) while volunteering to identify them as NOW/CA NOW activists. You may also urge CA NOW activists who volunteer for the campaign to coordinate the work of other CA NOW volunteers, since CA NOW and paid CA NOW staff can only urge members to volunteer and cannot organize the volunteers' activities.

What NOW Subunits CANNOT Do

NOW/PAC was engaged in a dispute with the FEC, from shortly after the 1984 elections until 1991, over practices which the court ultimately found were legal. Nevertheless, the litigation was very expensive and time-consuming. We do not want to spend our money and time defending our activities, so please do not go outside of these guidelines.

NOW states and Chapters:

- (a) CANNOT form a federal PAC
- (b) CANNOT endorse presidential or other federal candidates. Only a federal PAC can lawfully spend any money to support such candidates; even the PAC cannot contribute to the presidential candidates when they are receiving public funding. In addition, all contributions from NOW subunits will be aggregated in determining whether campaign contribution limits have been exceeded.
- (c) CANNOT give a campaign direct access to NOW membership lists, even if the cost is reimbursed. Because of our concern for confidentiality of our lists, NOW policy requires that membership lists are sent to the mail house handling the mailing and not to the campaign directly. Alternatively, with oversight by chapter or state leadership, chapter members can volunteer to prepare the mailing for a NOW/PAC endorsed candidate's campaign using membership lists or labels one time provided by the Action Center. Chapter or state Board members must oversee the use of the list to insure confidentiality. Labels should be ordered and arrangements for payment or exchange should be made through National NOW. Federal candidates endorsed by NOW/PAC, if desired, receive an in-kind contribution of the NOW labels for members residing in their districts.
- (d) CANNOT mail or otherwise distribute a candidate's literature to the general public.
- (e) CANNOT distribute campaign literature to NOW members, unless literature is created, produced and paid for by NOW/PAC.
- (f) CANNOT make any financial or in-kind contribution (including nonreimbursed use of paid staff or lists) to a federal candidate.

- (g) CANNOT make any fund-raising appeal for a candidate to the general public except as outlined above where everything—lists, phones, etc.—is paid for by someone other than NOW;
- (h) CANNOT mail any fund-raising to NOW members which includes an envelope in which members can send their contributions to the campaign (it is unlawful to do so); we are asking NOW subunits not to mail appeals of any sort on behalf of a candidate to NOW members or the general public including an appeal in a newsletter unless it is an ad paid for by an individual;
- (i) CANNOT expend NOW funds or use paid NOW staff to organize the activities of NOW members who volunteer to work for a federal campaign.
- (j) CANNOT pay for any expenses of NOW members who volunteer for a campaign;
- (k) CANNOT pay any expenses of NOW officers or other spokespersons who travel for the purposes of speaking or working on behalf of a campaign, even if most of the trip is devoted to NOW business;
- (l) **CANNOT allow the second class or non-profit bulk mail permit of NOW unit to be used for any political purpose.**

For more information regarding the Political Action Committee please contact Rosemary DaSilva, Political Affairs Director at 916-442-3414 or pad@canow.org. Please visit the PAC portion of our website to learn more about the endorsements made by the PAC. Members of the PAC are listed on the roster under the Political Action Committee.

We do not suggest that a chapter starts a Political Action Committee with out contacting the state office to ensure compliance with laws and regulations. We want to make sure that chapters and/or the state PAC are not assessed fines for violating these rules and regulations.