

## ADVISORY OPINION SUMMARIES:

### AO 92-002

Political Action Committees that make contributions to Delaware candidates must file campaign finance reports pursuant to the provisions of 15 Del. C. Chapter 80, The Campaign Financing and Disclosure Act of 1990. Reports must include the names, addresses, dates and the amount of contributions received from each person contributing in excess of \$100 during the reporting period or in aggregate during an election period; all contributors to the PAC are included.

Only those expenditures by the PAC as contributions to candidates in Delaware political campaigns, must be reported to the Delaware Commissioner of Elections.

### AO 92-003

In this particular situation, the candidate is the sole owner of a corporation; all assets, proceeds, etc. of the corporation belong to the candidate. The Act does not restrict the amount that a candidate can contribute to his/her campaign, consequently the resources of the candidate's corporation may be used at the discretion of the candidate without limitation. The use of the corporation vehicle would therefore not be considered a contribution. Although the corporation falls under the definition of person according to 15 Del. C. Section 8002 (11), in this specific instance where the corporation is wholly owned by the candidate, the candidate can transfer corporation assets to him/her self. Since a candidate's expenditures on him/herself are not contributions, to say otherwise in this instance would be form over substance.

### AO 92-004

The Campaign Financing Act of 1990 allows a maximum of \$600 in contributions per person per election period for a non-statewide candidate. In Section 8002 (11), the definition of "person" includes any individual, etc. You can receive maximum contributions from two separate persons from one household, the husband making a contribution from his own private account and the wife making a contribution from their jointly held account using a check with her signature. In such a case, each contributor has made a legal contribution and each should be reported accordingly on the committee campaign finance report.