



STATE OF DELAWARE
STATE ELECTION COMMISSIONER
DOVER, DELAWARE 19901

ADVISORY OPINION SUMMARIES:

AO 92-005

The background for this opinion: an international labor union and its political action committee (PAC) which solicits donations and makes contributions on behalf of the union and local union affiliates that donate to the PAC. Of the money that is forwarded to the international union PAC by local affiliates half is reserved for contributions to candidates chosen exclusively by the local unions. Local unions can contribute to their chosen candidates either through the designated PAC money or with money collected locally.

The questions concern a situation in which several local affiliates decide to direct their designated PAC money to the same local candidate; would a violation occur if each local had \$600 to designate and directed the PAC to send the designation to the same candidate? A violation would occur since the money would be coming from the PAC, by check, albeit with money designated for the exclusive choice of the locals, and would be in excess of the \$600 non-statewide candidate maximum contribution limit for the PAC. If, however, the local affiliates each decided to contribute the \$600 maximum amount to the local candidate using money from their own treasuries, there would be no violation presuming that the locals are not subsidiary or owned to a degree greater than 50% by the international union and that the money was donated by local members only.

AO 92-006

A political party may make a contribution to a candidate at any time, provided that the sum of all such contributions made by the party to that candidate does not exceed the maximum allowable limit for the election period. It is not necessary for the candidate to be a declared candidate, have paid a filing fee or be endorsed by the party in order to receive a party contribution. Restrictions of this nature are determined by the party. However, if a candidate has not formed a candidate committee when he/she receives a party's contribution, a statement of organization must be filed with the Commissioner of Elections Office within seven days.