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By Office of General Counsel at 3:19 pm, Jan 04, 2021

Harrison Hiner

Full Employment Now-Political Action Committee (FEN-PAC)

C00615898

Hello, my name is Harrison Hiner, treasurer for Full Employment Now-Political Action Committee (FEN-PAC). FEN-PAC is an independent expenditure committee, super PAC.

I am requesting an advisory opinion as it relates to advocacy around legislative issues and informing incumbent members of Congress (MoCs) on our donors who live in their districts and states.

Question #1: Is it legal for a super PAC to inform a MoC on the number of our donors who live in their state or district and the collective dollar amount that they give in the context of advocating for a legislative issue or policy?

To my understanding of election law, super PACs are allowed to share publicly available non-electioneering information with candidates or their campaigns. Super PACs are required to report donor information such as name, home address, and the dollar amount given; and that information is publicly available on FEC website. Given that a Super PAC's donor information (which includes home address) is publicly available on the FEC website, is it legal for a Super PAC to inform a candidate or elected official on the number donors and the collective dollar amount raised in their district or state?

Below are a few hypothetical scenarios to better explain my question.

Scenario #1

Our Super PAC contacts a MoC with the following statement and request:

“Hello Rep. #####, this is Harrison Hiner with FEN-PAC. FEN-PAC is an independent expenditure committee, super PAC. We are asking you to sign our pledge to support affordable health care. This issue is very important to our donors who live your district. FEN-PAC has approximately 1,000 individual donors who live in your district and give a collective amount of \$400,000 because they support of affordable health care. Will you sign FEN-PAC's pledge to support affordable health care?”

Scenario #2

Our Super PAC donors contact their MoC's office in support of an issue and inform the MoC's office that they are donors to our Super PAC:

Hello, my name is Joe Smith. I am a constituent who lives in Rep. #####'s district and I also donate to FEN-PAC. I and 1,000 other donors who live in your district donate to FEN-PAC because we support affordable health care. Will Rep. ##### support the affordable health care bill H.R.1234?

Question #2: If it is legally permissible for a Super PAC to communicate the number of donors to a candidate or MoC, which communication channel should be used. Specifically, should the Super PAC contact the MoC's Capitol office or reach out to the MoC's political campaign?

Please feel free to contact me at 903-445-0302 for any additional questions or clarification.

Thank you,

Harrison Hiner

Executive Director – Treasurer

Full Employment Now-Political Action Committee