

# Holtzman Vogel

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## **Compliance Considerations for State Contributions by Federal PACs**

State	Can federal PAC be used to contribute to state candidate committees or other political committees?	Implications of contributing to state candidate committees or other state political committees
Alabama	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of State within 10 days of contributing more than \$1,000 to a state candidate or committee. <sup>1</sup> PACs are also required to file monthly reports beginning 12 months before an election, major contribution reports whenever they receive any single contribution of at least \$20,000, and annual reports by January 31 of each year. <sup>2</sup>
Alaska	Yes, subject to registration and reporting requirements in next column.	Federal PACs (“groups”) are required to register with the Alaska Public Offices Commission before contributing to any state candidate or committee. <sup>3</sup> PACs are also required to file reports of contributions and expenditures 30 days before an election, one week before an election, and by February 15 of each year. <sup>4</sup>
Arizona	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of State within 10 days of contributing at least \$1,000 in the aggregate to state candidates or committees. <sup>5</sup> PACs are also required to file quarterly reports of contributions and expenditures, as well as pre-

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<sup>1</sup> Ala. Code § 17-5-5(a).

<sup>2</sup> *Id.* at § 17-5-8(a)(1), (b).

<sup>3</sup> Alaska Stat. § 15.13.050(a).

<sup>4</sup> *Id.* at § 15.13.110(a).

<sup>5</sup> Ariz. Rev. Stat. § 16-905(C), 16-906(A).

		and post-election reports at least 10 days before and no more than 15 days after an election, respectively. <sup>6</sup>
Arkansas	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of State within 15 days of contributing at least \$500 in the aggregate to state candidates or committees, and must renew registration annually by January 15. <sup>7</sup> PACs are also required to file quarterly reports of contributions and expenditures. <sup>8</sup>
California	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of State within 10 days of contributing at least \$10,000 in the aggregate to state candidates or committees or receiving \$2,000 in contributions for that purpose. <sup>9</sup> PACs are also required to file semiannual reports of contributions and expenditures by January 31 and July 31 of each year, and pre-election reports at least 40 and 12 days before an election. <sup>10</sup>
Colorado	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of State before accepting contributions of more than \$200 to influence Colorado state elections. <sup>11</sup> PACs are also required to file quarterly reports of contributions and expenditures, as well as more frequent pre- and post-election reports on the schedule specified in C.R.S. § 1-45-108(2). <sup>12</sup>
Connecticut	No, must create a separate Connecticut state PAC (only	Must file registration statement with the State Elections Law Enforcement Commission within 10 days of PAC organization, and must renew registration by November 15 of every even-numbered

<sup>6</sup> *Id.* at § 16-927.

<sup>7</sup> Ark. Rev. Stat. § 7-6-215(a)(1)(A)-(B), (4)(A).

<sup>8</sup> *Id.* at § 7-6-215(d)(1).

<sup>9</sup> Cal. Gov't Code § 82013, 84101(a).

<sup>10</sup> *Id.* at § 84200(a), 84200.8.

<sup>11</sup> Colo. Rev. Stat. § 1-45-108(3).

<sup>12</sup> *Id.* at § 1-45-108(2)(a)(I).

	exception is for federal PAC of national political party). <sup>13</sup>	year. <sup>14</sup> All PACs must file quarterly disclosure statements, as well as an additional pre-election statement seven days before any state election. <sup>15</sup>
Delaware	Yes.	Federal PACs are not required to register with the State in order to contribute to state candidates or committees. <sup>16</sup>
Florida	Yes, in one of two ways: (1) if federal PAC <i>has not</i> received “contributions” for the purpose of influencing a Florida state election, it can contribute to state PACs without first registering; or (2) if federal PAC <i>has</i> received “contributions” for the purpose of influencing a Florida state election, it must register before contributing to state PACs. <sup>17</sup>	If required to register per preceding column, federal PAC must file statement of organization with Secretary of State within 10 days of receiving contributions or making expenditures exceeding \$500 in a state election. <sup>18</sup> PACs must also file monthly disclosure reports and daily reports from 10 to 5 days immediately preceding a general election. <sup>19</sup>
Georgia	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Georgia Government Transparency & Campaign Finance Commission once they have spent at least \$25,000 in Georgia state elections or contributed to more than one state candidate in a calendar year. <sup>20</sup> Once a PAC has

<sup>13</sup> Conn. Gen. Stat. § 9-602(a); 9-618(e).

<sup>14</sup> *Id.* at § 9-605(a).

<sup>15</sup> *Id.* at § 9-608(a)(1).

<sup>16</sup> Call with Del. Dep’t of Elections campaign finance agent (July 7, 2021).

<sup>17</sup> Fla. Dep’t of State, *Political Committee Handbook*, at 51 (Sept. 27, 2019), available at: <https://files.floridados.gov/media/702476/political-committee-handbook-2020.pdf>.

<sup>18</sup> Fla. Stat. § 106.03(a).

<sup>19</sup> *Id.* at § 106.07(1)(a).

<sup>20</sup> O.C.G.A. § 21-5-34(e)(2)-(3).

		registered, it must file disclosure reports on the schedule specified in O.C.G.A. § 21-5-34(c). <sup>21</sup>
Hawaii	Yes, subject to registration and reporting requirements in next column.	Federal PACs (“noncandidate committees”) are required to file an organizational report with the Hawaii Campaign Spending Commission within 10 days of receiving contributions or making expenditures exceeding \$1,000 in the aggregate in an election cycle. <sup>22</sup> PACs are required to file disclosure reports 10 days before any primary or general election and by October 1 of each general election year. <sup>23</sup>
Idaho	Yes.	Federal PACs are not included in the statutory definition of “political committee” and are therefore exempt from registration and reporting requirements. <sup>24</sup>
Illinois	Yes, subject to registration requirement in next column.	Federal PACs are required to file a Statement of Organization with the State Board of Elections within 10 business days of their creation, but are permitted to exercise a “federal filing option” by noting that they will file all campaign finance reports with the FEC unless they spend more than \$1,000 in independent expenditures in Illinois state elections. <sup>25</sup>
Indiana	Yes, subject to registration and reporting requirements in next column.	Federal PACs must file a Statement of Organization within 10 days of their organization, but may file duplicates of their FEC reports to satisfy the state disclosure requirement. <sup>26</sup>
Iowa	Yes, but must either register or file a verification statement.	Federal PACs which are registered with the FEC have the option of filing a verification statement attesting that they file reports with the

<sup>21</sup> *Id.* at § 21-5-34(c).

<sup>22</sup> Hawaii Rev. Stat. § 11-321(a), (g).

<sup>23</sup> *Id.* at § 11-336(a).

<sup>24</sup> Idaho Code § 67-6602(20)(b).

<sup>25</sup> 10 ILCS 5/9-3(a); 26 Ill. Admin. Code 100.60.

<sup>26</sup> Ind. Code Ann. § 3-9-1-3, 3-9-5-13.

		FEC within 15 days of making a contribution to an Iowa candidate or committee rather than registering in Iowa. <sup>27</sup>
Kansas	Yes, subject to registration and reporting requirements in next column.	Federal PACs must file a statement of organization with the Secretary of State within 10 days of organizing a PAC to support or oppose state candidates. <sup>28</sup> PACs are required to file annual reports by January 10 and periodic disclosure reports eight days before each primary or general election. <sup>29</sup>
Kentucky	Yes, but must file all federal forms in Kentucky.	Federal PACs must file a copy of their federal registration and all federal reports which contain contributions to Kentucky candidates. <sup>30</sup>
Louisiana	Yes.	State law does not require registration for federal PACs that during the reporting period: (1) have supported candidates outside of Louisiana; (2) have received less than 50% of total contributions from Louisiana; and (3) have spent less than \$20,000 to support or oppose Louisiana state candidates. <sup>31</sup> If a federal PAC does not satisfy those three prongs, it must register within 10 days of its organization and file disclosure reports on the schedule specified in § 18:1491.6(B). <sup>32</sup>
Maine	Yes.	Federal PACs are not required to register and file reports if: (1) the PAC only contributes to properly registered candidates and committees; and (2) the PAC does not solicit or accept contributions for the purpose of influencing Maine state elections. <sup>33</sup>

<sup>27</sup> Iowa Code § 68A.201A(2)-(5).

<sup>28</sup> K.S.A. § 25-4145(a).

<sup>29</sup> *Id.* at § 25-4148(a).

<sup>30</sup> Ky. Rev. Stat. § 121.170(5)

<sup>31</sup> La. Rev. Stat. § 18:1483(14)(b).

<sup>32</sup> *Id.* at § 18:1491.1(A), 18:1491.6(B).

<sup>33</sup> 21-A Me. Rev. Stat. § 1053-B.

Maryland	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register in Maryland within 48 hours of contributing more than \$6,000 in an election cycle to a Maryland political committee or out-of-state committee spending to influence Maryland elections. <sup>34</sup> PACs must also file a “participating organization report” within 48 hours of making aggregate disbursements of \$10,000 to influence Maryland elections. <sup>35</sup>
Massachusetts	No, must create a separate Massachusetts state PAC. <sup>36</sup>	Federal PACs must register a Massachusetts political committee with a separate bank account before any contributions are accepted or expenditures made to influence Massachusetts state elections. <sup>37</sup> PACs must file annual reports by January 20 of each year disclosing contributions and expenditures. <sup>38</sup> Administrative costs must be paid with PAC funds.
Michigan	Yes, subject to registration and reporting requirements in next column.	Federal PACs must file a Statement of Organization within 10 days of raising or expending more than \$500 in a calendar year to influence Michigan state elections. <sup>39</sup> PACs are required to file disclosure reports by April 25, July 25, and October 25 of each year. <sup>40</sup>
Minnesota	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register with the Minnesota Board of Elections within 14 days of raising or expending more than \$750 to influence Minnesota state elections. <sup>41</sup> PACs are also required to file annual reports by January 31 of each year and quarterly and pre-election reports in general election years. <sup>42</sup>

<sup>34</sup> Md. Election Law Code Ann. § 13-309.2(a)(3)-(4), (b).

<sup>35</sup> *Id.* at (c).

<sup>36</sup> Office of Political and Campaign Finance, *Campaign Finance Guide: Depository Candidates & Political Action Committees* at 14, available at: [https://ocpf2.blob.core.windows.net/pdf/guides/dep\\_2010.pdf](https://ocpf2.blob.core.windows.net/pdf/guides/dep_2010.pdf).

<sup>37</sup> ALM Gen. Laws Ch. 55, § 5.

<sup>38</sup> *Id.* at § 18(a)(2).

<sup>39</sup> Mich. Con. Law Serv. § 169.203(4), 169.224(1).

<sup>40</sup> *Id.* at § 169.233(3).

<sup>41</sup> Minn. Stat. § 10A.01(27), 10A(14)(1)(a).

<sup>42</sup> *Id.* at § 10A.20(2)(a)-(c).

Mississippi	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register within 48 hours of raising or expending more than \$200 to influence Mississippi state elections. <sup>43</sup> PACs are also required to file annual reports by January 31 of every year in which there is not a state election, and periodic reports and a pre-election report at least seven days a general election in years with state elections. <sup>44</sup>
Missouri	Yes, subject to registration reporting requirements in next column.	Federal PACs are not required to register a Missouri state PAC unless (1) more than 20% of their total contributions are from Missouri residents, (2) they spend more than \$1,500 during a calendar year to influence Missouri elections, or (3) make contributions to Missouri state legislative candidates. <sup>45</sup> If they surpass either of the three thresholds, then they must register no later than 60 days before the election; if they are exempt from registration, they must still file disclosure reports at least 14 days before making any contributions or expenditures in state elections. <sup>46</sup>
Montana	Yes, subject to registration and reporting requirements in next column.	Federal PACs must certify a treasurer and file an organizational statement within 5 days of making an expenditure in a state election. <sup>47</sup> PACs are required to file quarterly reports as well as periodic reports within two business days of receiving or expending \$500 or more during the two weeks preceding an election. <sup>48</sup>
Nebraska	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register within 10 days of receiving contributions or making expenditures exceeding \$5,000 in a calendar year for the purpose of influencing Nebraska state elections (and within 2 business days if formed during month preceding

<sup>43</sup> Miss. Code Ann. § 23-15-801(c), 23-15-803(1).

<sup>44</sup> *Id.* at § 23-15-807(b).

<sup>45</sup> 1 CSR 50-5.020(1)-(3).

<sup>46</sup> *Id.* at (4); § 130.049 Rev. Stat. Mo.

<sup>47</sup> 13-37-201(2)(b), MCA.

<sup>48</sup> *Id.* at § 13-37-226(2).

		election). <sup>49</sup> PACs must file disclosure reports on the schedule outlined in R.R.S. Neb. § 49-1459. <sup>50</sup>
Nevada	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register before engaging in any activity with regard to Nevada state elections. <sup>51</sup> PACs must file quarterly disclosure reports and an annual report by January 15 of each election year. <sup>52</sup>
New Hampshire	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register with the Secretary of State within 48 hours of receiving contributions or making expenditures exceeding \$2,500 in a calendar year for the purpose of influencing state elections. <sup>53</sup> PACs must file disclosure reports on the schedule outlined in RSA 664:6. <sup>54</sup>
New Jersey	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register with the New Jersey Election Law Enforcement Commission after receiving contributions or making expenditures exceeding \$2,400 for the purpose of influencing state elections. <sup>55</sup> Cumulative disclosure reports must be filed on the schedule outlined in N.J. Stat. § 19:44A-8. <sup>56</sup>
New Mexico	Yes.	Federal PACs are not required to register in New Mexico, but must file their federal reports containing New Mexico contributions and expenditures on their federal reporting schedule. <sup>57</sup>
New York	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register and open a separate New York bank account when their contributions in state elections exceed \$1,000 in a calendar year; below that threshold they are only

<sup>49</sup> R.R.S. Neb. § 49-1413(1), 49-1449.

<sup>50</sup> *Id.*

<sup>51</sup> Nev. Rev. Stat. Ann. § 294A.230(1).

<sup>52</sup> *Id.* at § 294A.140(2)-(3).

<sup>53</sup> RSA § 664:3(I).

<sup>54</sup> *Id.*

<sup>55</sup> N.J. Stat. § 19:44A-3(i), 19:44A-8.1(a).

<sup>56</sup> *Id.*

<sup>57</sup> N.M. Stat. Ann. § 1-19-26.1(G).



		required to file their federal reports with New York. <sup>58</sup> Administrative costs must be paid with PAC funds.
North Carolina	Yes, subject to registration and reporting requirements in next column.	Federal PACs are permitted to contribute to NC candidate or committees so long as they register with the State Board of Elections and comply with standard reporting deadlines. <sup>59</sup>
North Dakota	Yes, subject to reporting requirements in next column.	Federal PACs that contribute more than \$200 to a state candidate or committee must file a copy of their federal campaign finance report detailing the state contributions. <sup>60</sup>
Ohio	Yes, subject to registration and reporting requirements in next column.	Federal PACs are permitted to make state contributions and expenditures from their federal accounts if they first register with the Secretary of State by filing a copy of their most recent federal statement of organization. <sup>61</sup> PACs must also file with the Ohio Secretary of State any federal campaign finance reports detailing state activity. <sup>62</sup>
Oklahoma	Yes.	Federal PACs that are registered with and report to the FEC may make contributions to Oklahoma candidates without establishing a state PAC. <sup>63</sup> A federal PAC that makes independent expenditures of at least \$5,000 in the aggregate in state elections, however, is required to register and make reports. <sup>64</sup>
Oregon	Yes.	Federal PACs are not required to register in Oregon. <sup>65</sup>
Pennsylvania	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Secretary of the Commonwealth within 20 days of receiving contributions of at least \$250 for the purpose of influencing Pennsylvania state elections. <sup>66</sup>

<sup>58</sup> N.Y. CLS Elec. § 14-124(2-a).

<sup>59</sup> N.C. Gen. Stat. § 163-278.7A.

<sup>60</sup> N.D. Cent. Code § 16.1-08.1-03.7.

<sup>61</sup> Ohio Rev. Code Ann. 3517.107(B).

<sup>62</sup> *Id.* at (C).

<sup>63</sup> 74 Okl. St. Chap. 62, Appx. I, Rule 2.96, 2.98.

<sup>64</sup> *Id.* at Rule 2.107(A).

<sup>65</sup> Ore. State Elections Division, *2020 Campaign Finance Manual at 62*, available at: <https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>.

<sup>66</sup> 25 P.S. § 3244(a).

		PACs must file annual reports each year by January 31 as well as pre- and post-election reports by the deadlines specified in 25 P.S. § 3246(d)-(e). <sup>67</sup>
Rhode Island	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register in order to contribute to state candidates or committees and must make contributions to at least five state or local candidates to qualify. <sup>68</sup> PACs are required to file a notice of formation with the Board of Elections before receiving or expending any funds for the purpose of influencing Rhode Island elections, and must file quarterly and pre- and post-election reports. <sup>69</sup>
South Carolina	Yes, subject to registration and reporting requirements in next column.	Federal PACs that spend more than \$500 to influence state elections must register with the State Ethics Commission within five days. <sup>70</sup> PACs are required to file quarterly disclosure reports and a pre-election report at least 15 days before any election. <sup>71</sup>
South Dakota	Yes.	Federal PACs are not required to register with or report to South Dakota. <sup>72</sup>
Tennessee	Yes, subject to registration and reporting requirements in next column.	Federal PACs are required to register with the Registry of Election Finance before receiving contributions or making expenditures in state elections. <sup>73</sup> PACs must file quarterly and pre-election reports on the schedule specified in Tenn. Code Ann. § 2-10-105(c)(1). <sup>74</sup>
Texas	Yes.	Federal PACs are not required to register in Texas if in the preceding year at least 80% of their total political expenditures occurred in state or federal races outside of Texas. <sup>75</sup> Note that out-

<sup>67</sup> *Id.* at § 3247(a).

<sup>68</sup> R.I. Gen. Laws § 17-25-3(12), 17-25-10.1(j).

<sup>69</sup> *Id.* at § 17-25-11, 17-25-15(a).

<sup>70</sup> S.C. Code Ann. § 8-13-1304(A).

<sup>71</sup> *Id.* at § 8-13-1308(B), (D)(1).

<sup>72</sup> S.D. Codified Laws § 12-27-3, 12-27-22.1.

<sup>73</sup> Tenn. Code Ann. § 2-10-105(a), (e).

<sup>74</sup> *Id.*

<sup>75</sup> Tex Elec. Code § 251.001(15), 251.005.

		of-state PACs are prohibited from contributing more than \$500 to state candidates without providing the PAC's FEC statement of organization and list of donors who contributed more than \$100 in preceding year. <sup>76</sup>
Utah	Yes, subject to registration and reporting requirements in next column.	Federal PACs must file a statement of organization with the lieutenant governor's office within seven days after receiving contributions or disbursing expenditures exceeding \$750. <sup>77</sup> PACs are required to file disclosure reports on the schedule specified in Utah Code Ann. § 20A-11-602(1)(a). <sup>78</sup>
Vermont	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register with the Secretary of State within 10 days of receiving contributions or making expenditures of at least \$1,000 in state elections. <sup>79</sup> PACs are required to file disclosure reports on the schedule specified in 17 Vermont Stat. Ann. § 2964(a)(1). <sup>80</sup>
Virginia	Yes, subject to registration and reporting requirements in next column.	Federal PACs are prohibited from contributing more than \$10,000 in a calendar year to a Virginia candidate or committee unless they have registered with the Virginia Department of Elections. <sup>81</sup> PACs are required to file quarterly disclosure reports with the State Board of Elections. <sup>82</sup>
Washington	Yes, subject to reporting requirements in next column.	Federal PACs are not required to register in Washington if they: (1) are registered and file reports in another jurisdiction; (2) have organizational documents showing they were originally formed for the purpose of influencing another state's elections; AND (3) have spent less than 20% of total expenditures in the calendar year to

<sup>76</sup> *Id.* at § 253.032(a).

<sup>77</sup> Utah Code Ann. § 20A-11-601(1)(a).

<sup>78</sup> *Id.*

<sup>79</sup> 17 Vermont Stat. Ann. § 2922(a)(1).

<sup>80</sup> *Id.*

<sup>81</sup> Va. Code Ann. § 24.2-949.9:1(A).

<sup>82</sup> *Id.* at § 24.2-949.6(C).

		influence Washington election. <sup>83</sup> If they cannot satisfy all three criteria, they must register and report as state PACs. <sup>84</sup>
West Virginia	Yes.	Federal PACs which are properly registered with the FEC are not required to establish a separate state account but must still file independent expenditure and electioneering communication reports if applicable. <sup>85</sup>
Wisconsin	Yes, subject to registration and reporting requirements in next column.	Federal PACs must register within 10 business days after receiving contributions or making expenditures exceeding \$2,500 in the aggregate to influence Wisconsin elections. <sup>86</sup> PACs must file disclosure reports on the schedule specified in Wis. Stat. § 11.0504. <sup>87</sup>
Wyoming	Yes.	Federal PACs are not required to file statements of formation or disclosure reports in order to spend in Wyoming elections. <sup>88</sup>

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<sup>83</sup> Wash. Admin. Code § 390-16-049(2).

<sup>84</sup> *Id.* at § 390-16-049(3)-(4).

<sup>85</sup> W. Va. CSR § 146-3-9(9.1).

<sup>86</sup> Wis. Stat. § 11.0502.

<sup>87</sup> *Id.*

<sup>88</sup> Wyo. Stat. § 22-25-101(b), 22-25-106(g).