

# Starting a New PAC? FEC Confirms No Shortcuts to Achieving Multicandidate PAC Status

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Under federal law, most “persons”—including political committees—can contribute no more than \$2,600 to a federal candidate per election. There is an exception to this rule for “multicandidate political committees,” which can contribute up to \$5,000. A multicandidate political committee is a committee that (1) has been registered with the Federal Election Commission (Commission) as a political committee for at least six months; (2) has received contributions from more than 50 people; and (3) has made contributions to at least five federal candidates.

In advisory opinion 2013-09, *Special Operations Speaks PAC (SOS)* asked whether it could be treated as a multicandidate political committee—raising its contribution limit to \$5,000—before it contributed to five candidates. The Commission said that it could not, applying the definition of multicandidate political committee. The Commission also disposed of SOS's theory that the statutory definition of multicandidate political committee is unconstitutional, noting that the Supreme Court has long “upheld the constitutionality of the . . . requirement for political committees to qualify for the higher \$5,000 limit on contributions to candidates.” And in any event, the Commission continued, it lacked jurisdiction to resolve challenges to the statute's constitutionality.

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