



## SECTION ELEVEN

# STATE POLITICAL ACTION COMMITTEES

A Political Action Committee (PAC) is an organization created by a group of citizens with common interests to help them better represent themselves and their interests to their legislators. A PAC allows a group to pool its resources (volunteers, staff, dollars) to maximize its voice in the legislative process. A PAC solicits contributions from its supporters, pools these funds, and uses them to support those legislators who best represent the group's point of view and goals. PAC contributions are not used to "buy" votes. They do, however, provide a legislator with tangible evidence of the issues that are important to a group of concerned citizens. A PAC contribution, coming from a large group of voters, often carries more weight than a letter or contribution from a single voter. As such, a PAC contribution can provide a group with enhanced *access* to a legislator for purposes of education and assistance.

Some PACs are organized to represent a group's interest to the federal government (for example, the ACEP National Emergency Medicine Political Action Committee [NEMPAC]); others are designed to deal with issues that are specific to an individual state. Many ACEP chapters

have already formed state PACs.. ACEP chapters that are considering creating their own state PACs can use the following basic information to accomplish that task.

### Needs Assessment

Political activity and the capacity to make the decision to financially support candidates are necessary prerequisites to the creation of a state chapter PAC. It is important that you determine whether your chapter has a political agenda that differs significantly from that of the state medical association. It may be to your chapter's advantage to actively support the state medical association PAC rather than form your own. Each chapter must determine whether its interests will be best served if it is recognized as an independent entity or as a team player with the overall House of Medicine.

Most chapters that have formed PACs have found it beneficial to hire a lobbyist first to help them decide if and when the formation of a PAC was appropriate. An experienced lobbyist can give valuable insight and advice that otherwise might not be available to the chapter.

It is also important that a chapter realistically determine what resources it has available and is willing to commit to the development and maintenance of its PAC. These resources include, but are not limited to, personnel for administrative support and lobbying, office supplies, office space, and legal counsel to ensure compliance with all applicable state laws. Finally, it is crucial that a chapter has a “critical mass” of dedicated members who are willing to contribute their funds and their time to support the PAC.

## The First Steps

Laws governing the formation and operation of PACs vary from state to state. Most chapters will find their state medical association to be a valuable resource for this type of information. State law generally requires that a PAC’s funds, bylaws, and officers be segregated from those of its sponsoring organization. All states have regulations governing who may contribute to a PAC (individuals, corporations, members versus nonmembers) and who can receive contributions from the PAC. Many states place restrictions on the size of contributions, and most differentiate between “hard” dollars that are contributed by individuals and “soft” dollars that are contributed by corporations. All have specific requirements regarding financial accounting and the filing of reports. The state medical association or other professional organizations can suggest qualified legal counsel to assist in establishing and registering a PAC with the appropriate state governmental entities.

## PAC Bylaws

Like most organizations, PACs require bylaws that define their goals, structure, chain of command, and general operations. It is important that each PAC’s bylaws be consistent with pertinent state law. A copy of the Ohio chapter ACEP Emergency Medicine Political Action

Committee bylaws is included at the end of this section as an example.

## Fundraising

It is difficult to set a threshold value for how much money is needed to start a PAC (although, obviously, the more the better). As a general rule, it is best to focus on the chapter’s political agenda and use it, along with input from the chapter’s government affairs committee and lobbyist (if one is available) to develop a strategy to best use available funds.

ACEP chapters have used several approaches to member solicitation. Most solicitations provide for different levels of participation (for example, contributor, founder, family, bronze, silver, gold) with successive levels requiring greater contributions. Larger contributors also can be provided with such additional perks as ribbons, plaques, program recognition, and special receptions with candidates. Ideas and guidance can be obtained from the State Legislative Office.

Funds should be solicited annually with “special” requests reserved for elections that are of vital importance to the chapter. Some chapters have added a line item for a PAC contribution to their dues statement from ACEP. However, state law will guide whether the use of the dues statement generated by the national organization to solicit and collect funds for chapter PACs is allowable. Several practical matters must be addressed prior to member solicitation. These include, but are not limited to:

- Completion of all registrations required by state law.
- Development of bylaws.
- Opening of a separate bank account for the PAC.
- Development of a budget for initial activities.
- Election of a board of trustees.
- Development of an initial membership campaign strategy.

- Design of forms (logo, letterhead, membership application).
- Development of an accounting system, either journal entry or computerized.
- Lapel pin and ribbon design.
- Development or purchase of mailing lists or labels.

### **The PAC as an Ongoing Activity**

Once you have established and funded the PAC, it is important that sufficient resources be dedicated to it to ensure its continued viability and

compliance with state law. While most contributions will be made to candidates during election years, the tasks of fund raising, member political education, and accounting/reporting are ongoing. From a practical standpoint, the PAC is nothing more than a very special bank account through which the chapter funds political activities. A strong government affairs committee, combined with an educated and politically active board of directors and membership, is vital to the success of the chapter's political agenda and the PAC.

## **SAMPLE OF POLITICAL ACTION COMMITTEE BYLAWS**

### **OHIO EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE BYLAWS**

#### **Article I**

##### Name and Definition

The name of this Organization is the “Ohio Emergency Medicine Political Action Committee,” hereinafter sometimes referred to as “Ohio EMPAC.” It is a voluntary, non-profit, unincorporated Committee of individual emergency physicians and others, and is not affiliated with any political party.

#### **Article II**

##### Purposes

The purposes of the Committee are:

- 1) To promote and strive for the improvement of government by encouraging and stimulating emergency physicians and others to take a more active and effective part in governmental affairs.
- 2) To encourage emergency physicians and others to understand the nature and actions of their government, the important political issues, and the records of officeholders and candidates for office.
- 3) To assist emergency physicians and others in organizing themselves for more effective political action and in carrying out their civic responsibilities.
- 4) To maintain Ohio EMPAC finances as a separate segregated fund maintained and administered by the Ohio Chapter of the American College of Emergency Physicians, (Ohio Chapter ACEP) and to contribute to political candidates and engage in other activities as deemed appropriate by the Committee.
- 5) To perform other functions as necessary or desirable for the attainment of the purposes stated above.

#### **Article III**

##### Membership, Dues, and Contributions

###### Section 1 – Members

Individual and Family Memberships shall be available to emergency physicians, their spouses, members of their immediate families, and the staff of the Ohio Chapter of the American College of Emergency Physicians.

The Board of Trustees of Ohio EMPAC is authorized to establish additional categories of membership subject to the limitations of state law.

###### Section 2 – Candidates for Membership

Candidates for membership shall be subject to approval by the Board of Trustees of Ohio EMPAC. Minimum annual contribution as determined by the Ohio EMPAC Board of Trustees will be required to be a member of Ohio EMPAC.

Section 3 – Annual Contributions

Contributions to Ohio EMPAC from emergency physicians, their spouses, members of their immediate families, and the staff of the Ohio Chapter of the American College of Emergency Physicians, shall be subject to the approval of the Board of Trustees and such funds shall be disbursed at the Board’s discretion.

Ohio EMPAC may accept contributions which are less than those amounts qualifying for Individual or Family Sustaining Membership, but those contributions will not entitle the contributor to the benefits of full membership. Ohio EMPAC may also accept contributions greater than those amounts indicated, subject to the limitations of state law.

Ohio EMPAC is a separate segregated fund maintained and administered by the Ohio Chapter of the American College of Emergency Physicians. Voluntary political contributions to Ohio EMPAC must be written on personal checks.

**Article IV**

Board of Trustees

Section 1 – Composition of Board; Designation of Trustees and Their Terms of Office

The Board of Trustees of Ohio EMPAC shall consist of six (6) members: one (1) of whom shall be the President of the Ohio Chapter ACEP and a member of Ohio EMPAC; one (1) of whom shall be the President-Elect of the Ohio Chapter ACEP and a member of Ohio EMPAC; one (1) of whom shall be the Chairman of the Ohio Chapter ACEP Government Affairs Committee and member of Ohio EMPAC; two (2) of whom shall be At-Large Members and members of the Ohio Chapter ACEP and Ohio EMPAC; and one (1) of whom shall be the Executive Director of Ohio Chapter ACEP.

Section 2 – Duties

The Board of Trustees of Ohio EMPAC shall have general supervision, management and control over the affairs and activities of Ohio EMPAC, shall establish and carry out all policies and programs of Ohio EMPAC, and shall make use and disbursement of Ohio EMPAC’s funds only for the purposes defined herein.

Section 3 – Election of Trustees and Terms of Re-election

- (A) The Ohio EMPAC Board of Trustees will recommend a slate and also accept nominations from the floor at the Annual EMPAC Meeting. At the Ohio EMPAC Annual Meeting, the Ohio EMPAC membership shall elect to a term of two (2) years, two (2) At-Large members. The terms of such newly-elected Trustees shall begin at the close of the Annual Meeting at which they are elected and qualified and they shall continue to serve until their successor is elected and qualified.
- (B) A notice shall be published in the summer issue of the Ohio Chapter ACEP newsletter, EPIC, calling for nominations.

Section 4 – Vacancies

In the event of death, resignation or inability to serve as a Trustee, the remaining members of the Board of Trustees of Ohio EMPAC shall elect a successor to serve the unexpired term of such Trustee.

Section 5 – Removal

Any Trustee may be removed from office by a three-quarters vote of the members present at any annual or special meeting. Such a recall must be initiated by a petition signed by members numbering at least one-third of the voting members present at the meeting at which the Director

was elected. At least three voting members who signed the recall petition must be present at the recall meeting. Any vacancy created by a recall shall be filled by majority vote of the members present at the recall meeting, with nominations accepted from the floor.

## **Article V**

### Officers

#### Section 1 – Designations, Election, and Terms

The officers of Ohio EMPAC shall consist of a Chairman and a Vice Chairman and they shall be chosen by the Board of Trustees of Ohio EMPAC from among the members of such Board. The Executive Director of the Ohio Chapter of the American College of Emergency Physicians shall serve as the Secretary/Treasurer of the Board. The officers of the Board of Trustees will serve one (1) year terms.

#### Section 2 – The Chairman

The Chairman of the Board of Trustees is the chief executive officer of Ohio EMPAC. He or she shall preside at all meetings of the Board of Trustees. He or she shall appoint all chairmen and members of committees subject to the approval of the Board, and serve as an ex-officio member of all committees.

#### Section 3 – Vice Chairman

The Vice Chairman of the Board of Trustees shall be elected by the Board of Ohio EMPAC from among its members and shall assist the Chairman in the discharge of his or her duties. At the request of the Chairman or in his or her absence, the Vice Chairman will assume and discharge all duties of the Chairman.

In the event of the death, resignation or inability to serve of the Vice Chairman, his or her successor shall be elected by the Board of Trustees to serve the unexpired term of such office.

#### Section 4 – Secretary/Treasurer

The Secretary/Treasurer shall keep the minutes of the Ohio EMPAC meetings and shall perform such duties as are customarily performed by a treasurer and prescribed by the Board of Trustees of Ohio EMPAC. The Secretary/Treasurer shall be the custodian of the funds of the Committee. He or she shall coordinate the collection of dues and other funds of Ohio EMPAC. He or she shall disburse all monies in accordance with the instructions of the Board of Trustees. He or she shall keep accurate accounts, prepare, sign, and file all reports to governmental authorities required by law or directed to be filed by the Board of Trustees.

## **Article VI**

### Meetings

#### Section 1 – Annual Meeting

The Annual Meeting of Ohio EMPAC shall be held at such convenient date as may be designated by the Chairman. Notice of the time and place of the Annual Meeting shall be given by the Secretary/Treasurer to each EMPAC member at least thirty (30) days in advance of such Annual Meeting.

#### Section 2 – Special Meetings

Special meetings of the Board of Trustees of Ohio EMPAC shall be called by the Chairman on his or her own initiative or upon the written request of three members of the Board.

#### Section 3 – Quorum

Four (4) voting Trustees shall constitute a quorum. A simple majority of the Trustees present shall carry any motion, subject to the Rules of Order.

## **Article VII**

### Committees

Ohio EMPAC shall have such committees as the Board of Trustees of Ohio EMPAC determines are necessary and desirable for carrying out its purposes and objectives. The chairmen and members of such committees shall be appointed by the Chairman of Ohio EMPAC subject to the approval of the Board of Trustees.

## **Article VIII**

### Books, Records and Finances

#### Section 1 – Books and Records

Ohio EMPAC shall keep books and records of account.

#### Section 2 – Deposits

The funds of Ohio EMPAC shall be deposited to the credit of Ohio EMPAC in such banks or other depositories as the Board of Trustees may select.

#### Section 3 – Fiscal Year

For purposes of financial accounting and reporting on Ohio EMPAC funds, the Ohio EMPAC fiscal year shall coincide with a calendar year.

## **Article IX**

### Rules of Order

The deliberations of all meetings of the Ohio EMPAC Board of Trustees and meetings of such committees shall be conducted in accordance with parliamentary usage as defined in Sturgis' Standard Code of Parliamentary Procedure, unless otherwise specified in these bylaws.

## **Article X**

### Amendments to Bylaws

These bylaws may be amended, or new bylaws adopted, at the Annual Meeting of Ohio EMPAC, or at any special meeting called for such purpose, by a two-thirds vote of the Trustees present and voting; provided, however, that a copy of such proposed amendment, or of such proposed new bylaws, and a written notice stating the date on which final action will be taken on such proposal shall have been mailed or delivered by the Secretary/Treasurer to each member of the Board at least thirty (30) days in advance of the meeting at which final action on such proposal is to be taken.