Creating Political Action Committees (PACs) for Smokefree Air

Public demand for smokefree air policy is sometimes ahead of our political capacity to deliver and implement the policy. Smokefree indoor air policy is recognized by the U.S. Centers for Disease Control and Prevention as a best practice for reducing death and disease caused by secondhand smoke. However, good rational public health arguments don’t always bring about result in policy change when there is organized opposition from the tobacco industry. Policy change is a political action, and smokefree supporters need to find ways to make it easy for policymakers to say “Yes!” We need to have the political power to pass smokefree policies and also to defend them from attacks by the tobacco companies. Setting up a political action committee (PAC) can be a great way to assist candidates who support smokefree air when these candidates come under attack from the tobacco lobby. However, political action committees aren’t as much about directly promoting candidates, as they are about turning out voters for candidates who have publicly supported issues that are on the forefront of voters’ minds.

Smokefree advocates have to make sure to use structures, organizations, and individuals in the proper way to meet all legal requirements to have a maximum public health benefit. Education dollars have to be used to educate the community. Advocacy/lobbying dollars have to be used to lobby and to wage a ballot campaign. Individual dollars have to be raised to support the PAC and the advocate for specific city and legislative candidates.

What is a PAC?

After there has been extensive education, outreach, and grassroots community organizing on an issue, you may want to broaden influence into the electoral process. A PAC is an organization that enables people to participate in the political process at the local, state, and federal levels by supporting issues and candidates for public office and by lobbying elected officials. A smokefree PAC’s objective is to advance the issue at the local, state, and federal levels by helping to elect local, state, and federal candidates who are responsive to and supportive of smokefree indoor air and want to protect public health by eliminating exposure to secondhand smoke. Smokefree PACs are bipartisan entities; they seek to support and elect candidates who have shown a commitment to smokefree indoor air, regardless of party affiliation.

There are two types of PACs: “connected” PACs, which raise money from people employed through their specific corporation, union, etc.; and “unconnected” or “independent” PACs, which raise money from people who have common political or social interests. Smokefree advocates setting up a PAC should create an independent PAC outside any organizational role that its members have. For example, as the Tobacco Control Director of a local health department, one cannot wear a health department director “hat” and create an independent PAC, but one could work on a PAC as an individual citizen, outside of one’s health department role and off the clock.

Political action committees were first formed in the 1940s. In 1974, Congress adopted election reform that limited individual campaign contributions and set guidelines for PACs. PACs must report all income and expenditures to the Federal Elections Committee and its respective state election board. As a result, all financial records are made public. PACs are one of the most regulated processes involved in government. Before the creation of PACs, campaign
contributions were undisclosed and unlimited. Limits on PAC campaign contributions vary from state to state, ranging from $100 to $5000. These contributions are not tax-deductible.

Roles of a PAC

● Smokefree PAC membership allows smokefree supporters and advocates, through relatively small contributions and organized election activities, to have a powerful voice in the political process.

● Smokefree PACs make campaign contributions and promote candidates, thus making candidates accountable to smokefree supporters and assuring that their full-fledged allegiance to smokefree air is on the record.

● Most importantly, PACs endorse candidates based on the candidate’s commitment to an issue, in order to build power. They help give the candidate the political will to take a public position on smokefree indoor air, making health and worker safety into an election issue, and initiating discussion on secondhand smoke exposure within the community. Once the candidates recognize the power of the PAC through repeated election of pro-smokefree candidates, they often become spokespeople and champions for the cause.

![Structure of a PAC diagram]

PACs are designed to allow a large number of people and a small number of resources to be pooled together to maximize the collective effect.
PACs engage players at every level of involvement: participation ranges from making a small campaign contribution to the PAC, organizing supporters, meeting with candidates, and volunteering for “get out the vote” projects.

PACs build on the momentum behind the issue. Smokefree indoor air is a hot issue that is sweeping the nation, and the public knows it. Smokefree laws now protect over 30% of the United States’ population.

PACs are effective in influencing public policy.

A PAC can be the most effective vehicle to identify and turn out voters in support of candidates. In most cases it is not the money that you raise to give a candidate that is most important, but the money you raise to mobilize supportive voters and get them out to the polls.

Remember a PAC is a strategic tool – not a magic answer to winning a smokefree policy. A smokefree PAC must be able to “deliver the goods” or it is just another voice in the political debate.

How to Set Up a PAC in Your Community

Before you get started:

1. Determine whether a smokefree PAC would be beneficial to the coalition’s political goals. Coalitions and PACs usually don’t work together. Many smokefree coalitions have a 501(c)(3) tax status: they are tax-exempt and contributions to a C3s are generally tax deductible; C3s have limited lobbying capabilities, which include campaign contributions and ballot measure work, and are prohibited from engaging in any partisan candidate activities. Penalties for engaging in partisan activities may result in revocation of their tax-exempt status. However, C3s may establish a 501(c)(4), a tax-exempt organization, in which contributions to a C4 are not generally tax deductible. C4s have no limit on lobbying and may engage in partisan political activities subject to federal and state campaign finance laws. With this in mind, 501(c)(3) members of a coalition would have to leave the table if a PAC showed up or partisan activity was being discussed. 501(c)(4) members could stay because C4s may establish a PAC and engage in partisan activity. Take into account whether your community or state has the capacity, resources, and public interest to maintain and sustain a smokefree PAC.

2. Determine whether there is a preexisting PAC that your coalition could easily get involved in, such as a local or state tobacco control association or cancer victims group. If smokefree air is a well-represented interest within a pre-established PAC, consider directing contributions through that PAC, rather than creating and keeping up your own. Another important factor to consider when evaluating pre-existing PACs is whether or not your coalition will have input on which candidates will be supported through the PAC. When evaluating these questions, include as many players within your smokefree community as possible: the entire Board, the coalition’s steering committee, lobbyists, legal counsel, etc.

3. Assess potential membership support. Without membership support, a PAC will fail. With membership support, your smokefree coalition can draft a mock budget to realistically determine resources and finances.
The nuts and bolts: Creating a smokefree PAC

1. Creating a PAC takes a great deal of time and energy, so it is imperative to select several (3-5) dedicated advocates to take lead roles.

2. Keep the PAC clean. Your PAC should be established as separate from any local or state smokefree coalitions. This is required by law and it is important that the lines are clearly drawn, as it is likely that the tobacco industry will try to find a reason to discredit the PAC to the candidate, the media, and the public.

3. Laws governing the operation and establishment of a PAC vary from state to state and can be quite complex. To simplify matters, try contacting a local or state environmental PAC or other public health PAC for information gathering and for recommending legal counsel to assist in registering the PAC.

4. To set up a smokefree PAC in your community or state, contact your secretary of state or your state’s fair political practices commission for the necessary paperwork, ethics guidelines, and statement of economic interest. Many states hold workshops and seminars explaining the most efficient way to organize a PAC. (Note: The name of the commission may vary by state.) Recruit a lawyer experienced in campaign finance issues for your steering committee to act as the advisor for all the group’s activities.

5. All states have regulations about who can contribute to a PAC and who can receive PAC contributions. Each state has rules that must be adhered to, regarding spending limits, financial accounting, and filing of reports. Filing due dates are available on the IRS website at www.irs.gov/polorqs.

6. Develop a strategic plan for your smokefree PAC.

7. There is no limit on aggregate expenditures for PACs. But, PACs that lobby pay a tax on expenditures of $5,000 or more on this activity. For that reason, most PACs avoid lobbying. Tax rates on lobbying vary by state, usually ranging from 10% to 30%. When developing your PAC’s budget and strategic plan, factor in whether or not your PAC will lobby.

8. In the beginning, hire a consultant to help you develop strategic and fundraising plans and to provide political and strategic advice. Make sure this person is educated on the science of secondhand smoke and is on message.

9. Hire a grassroots organizer, particularly during the months prior to an election, to execute the tasks set forth by the steering committee.

Choosing a Candidate

When selecting a candidate, it is important to monitor and evaluate not only his or her record on smokefree air and other public health issues, but also the likelihood that the candidate will be elected. If a candidate loses an election, the PAC’s contributions will be wasted, and will not influence the policymaking process. In addition, the political candidate your smokefree PAC selects should not only support smokefree air, but also understand the science of secondhand smoke, be responsive to the PAC’s mission, and be on message. Here are some questions to
ask when evaluating which political candidate to support. Mark all answers in your candidate log:

- **Incumbents’ records:** Which incumbent policymakers have been supportive of smokefree indoor air? What are their voting records, and have they been consistently in favor of smokefree air? Have they been involved in raising the profile of the issue, other than by voting (e.g. have they lobbied other policymakers or attended educational events)?

- **Challengers’ records:** Although the challenging candidates lack a formal voting history on smokefree laws, look at their personal and professional history. Where do the challengers stand on the issue of secondhand smoke exposure? For example, are the challengers doctors who work in the cardiology or allergy department of your local hospital and do research on heart disease or olfactory malfunction? Are the challengers business owners who voluntarily adopted a smokefree workplace policy to protect their employees’ and their patrons’ health? In addition, survey candidates on the issue. The questionnaire should be brief, compiled of two to five questions on secondhand smoke exposure and public health. The following are questions you may want to include: Do you believe that secondhand smoke kills? Are you supportive of smokefree policies that protect workers and the general public from the death and disease caused by secondhand smoke exposure? Candidate are then on the record as supporters or opponents of smokefree air.

- **Committees:** For state elections, which incumbent policymakers sit on key congressional committees that determine and influence public health policy? For challengers, what committee assignments will the candidates seek?

- **Need:** Which candidates are in need of financial assistance? Your smokefree PAC may have a greater influence if there are not as many competing interests funding a candidate’s political campaign.

- **Electability:** How does your community/state tend to vote? Will strong party partisanship have a strong impact on which candidate wins the election? What are the chances that the candidate will get elected? Unfortunately, a losing candidate will not help in making your smokefree PAC’s interest into public policy, even if he or she is a staunch supporter of smokefree air.

- **Other supporters:** Who else is supporting the candidates? You can tell a lot about a person by who their friends are: do medical and environmental organizations or public health groups fund the candidates or does a tobacco company do so? Be wary of candidates who associate with, have business ties to, and/or receive contributions from groups that are known to be anti-regulation.
Political Action Committee Development Checklist

☐ Seek the guidance of a qualified attorney and develop a set of by-laws that clearly describe the function and objective of your PAC: to support political candidates who are supporters of smokefree air and worker health and safety.

☐ Contact the state agency (usually your secretary of state) that overseas PAC administration and registration requirements.

☐ Complete all registration requirements.

☐ Open a separate bank account for your PAC.

☐ Develop a realistic budget. Include costs for initial strategic consulting and campaign activities: candidate contributions, voter outreach, GOTV efforts, advertising, and an organizer.

☐ Develop a campaign strategy. How are you going to raise money?

☐ Brand your smokefree PAC. Create letterhead and a smokefree PAC logo.

☐ Develop a good voter contact list and mobilize voters to go to the polls.

☐ Create an accounting system to log expenditures, contributions, and disbursements.

☐ Create a candidate log to evaluate where political candidates stand on issues of smokefree air and worker health. This will make it easier to determine which candidate’s campaign your PAC will support.

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