



# New Public Disclosure of Bundled Contributions

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## New Bundling Disclosure Form Available

The Federal Election Commission (Commission) promulgated the Final Rule on bundled contributions earlier this year. The new Rules call for a revised Commission form ("Statement of Organization"), which has now become available. Separate segregated funds (SSFs) of corporations, trade associations, and labor unions, and nonconnected PACs implicated by the new bundling regulation are required to file the revised form. The last business day to file is **March 27, 2009**.

## Background on the New Bundling Regulations

Bundling activity involves federal election contributions that are either forwarded to a campaign, leadership PAC, or party (i.e. "reporting committees") by a lobbyist/registrant or lobbyist/registrant PAC, or received by a reporting committee and credited to a lobbyist/registrant or lobbyist/registrant PAC through some means of recognition. Reporting committees may give credit to a lobbyist/registrant or lobbyist/registrant PAC by keeping a log. Or, the reporting committee may assign credit on the basis of titles conferred, access to events, autographed books, photographs, and other mementos. Under the new regulations, bundling activity will be tracked by the reporting committees and reported to the Commission if the dollar threshold (\$16,000 in the aggregate in a six month period) has been crossed.

## Potential Impacts of Public Disclosure of Bundling Activity

Beginning **March 19, 2009** the new record keeping portion of the bundling regulations takes effect. Bundling activity will begin to be tracked for purposes of public disclosure by the Commission. The new requirement to make publicly available this previously unreported activity injects new strategic considerations into political contribution decisions. Furthermore, because the allocation of "credit" for

bundled contributions is at the discretion of the campaigns or political parties, and because there is ambiguity in how "credit" is defined, interaction with campaigns and party committees will become a priority of election contribution. The new Rules bring a heightened sensitivity to the timing and possible public relations impact of certain contributions.

### **Assistance**

Please feel free to tap Nossaman LLP/O'Connor & Hannan as a resource in connection with all aspects of the new bundling regulations. We advise fortune 500 companies, their trade associations, and dozens of other clients with regard to PAC formation, management, and all aspects of state and federal election and lobbying law compliance.

Fred Dombo focuses his practice on ethics and election law. He advises clients on state and federal gift rules, ethics compliance and investigations. He can be reached at 202.887.1485 or [fdombo@nossaman.com](mailto:fdombo@nossaman.com).