

September 21, 2015

Secretary Delbert Hosemann
401 Mississippi Street
Jackson, Mississippi 39205-0136

Re: Campaign disclosures by Political Action Committees

Dear Secretary Hosemann:

It has been brought to the attention of my office that a Political Action Committee (PAC) may be attempting to exploit Mississippi's campaign finance laws to hide contributions or contributors in influencing Alabama elections.

As you are aware, Mississippi has odd year election and Alabama has even year elections. Because of this, any contributions received in 2016 prior to Alabama's March 1, 2016 primary would not need to be disclosed in Mississippi until 2017. Also, a political action committee is only required to file Campaign Finance reports in Mississippi if the committee has received *Mississippi* contributions or made *Mississippi* disbursements.

A contribution given in Mississippi with the intent of influencing Alabama elections would require disclosure under Alabama's Fair Campaign Practices Act. Pursuant to Alabama Code section § 17-5-2, an Alabama Political Action Committee is defined as "any committee, club, association, political party, or other group of one or more persons, *whether in-state or out-of-state*, which receives or anticipates receiving contributions and makes or anticipates making expenditures to or on behalf of any Alabama state or local elected official, proposition, candidate, principal campaign committee or other political action committee. For the purposes of this chapter, a person who makes a political contribution shall not be considered a political action committee by virtue of making such contribution."

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At this time, we do not have any further information regarding the specifics of any illegal contribution or expenditure. If we receive any further information or specifics, we will pass that information to you and would appreciate the same from your office.

I appreciate your time and effort in helping me. If you require any further information from my office, please do not hesitate to ask. I look forward to hearing from you.

Yours respectfully,

John H. Merrill
Secretary of State

JHM/bhs