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Sent: Wednesday, April 9, 2025 12:11:10 PM
To: Rebecca White <RWhite@leg.state.vt.us>
Cc: Tucker Anderson <TAnderson@leg.state.vt.us>
Subject: H.474 (Elections Misc. Bill) - Question & Answer

Good Afternoon Senator White,

During last week's testimony for [H.474 \(Elections Misc. Bill\)](#) you asked about the effect of removing the definition of "independent expenditure-only political committee" from [17 V.S.A. § 2901](#) as well as adding a definition for "Public question campaign" in Sec. 15.

For quick reference, here are the relevant definitions:

(10) "Independent expenditure-only political committee" means *a political committee* that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures. [Emphasis added.] [This will be ~~struck through~~ in the bill, but I have not done so here for the sake of readability.]

~~(13)~~(12) "Political committee" or "political action committee" ["PACs"] means any formal or informal committee of ~~two~~ one or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, that accepts contributions of \$1,000.00 or more ~~and~~ or makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes ~~an independent expenditure-only political committee~~ a public question campaign and a legislative leadership political committee.

(15) "Public question campaign" means a political campaign, specifically an effort to influence an election, that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make any "related campaign expenditures" as defined in subsection 2944(b) of this title; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures. A "public question campaign" includes any campaign making independent expenditures as defined by 52 U.S.C. § 30101.

Also, [17 V.S.A. § 2944 \(Accountability for related expenditures\), subsection \(b\)](#): As used in this section, a “related campaign expenditure made on the candidate’s behalf” means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates, if intentionally facilitated by, solicited by, or approved by the candidate or the candidate’s committee.

Under current statute, an independent expenditure-only political committee ("IEOPC") is a *sub-type* of political committee. So, any stricture or requirement of a political committee would therefore apply to an IEOPC. Differentiating an IEOPC from a generalized political committee or any other sub-type of political committee (i.e. there are also "legislative leadership political committees") is only useful insofar as statute requires something in particular of an IEOPC. Aside from the two definitions above, the term IEOPC only appears in one other statute---[17 V.S.A. § 2971 \(report of mass media activities\)](#)--- which requires an IEOPC to file a 'mass media report' for any mass media activity totaling \$5,000 or more within 45 days of an election. Other subsections of [§ 2971](#) require the same filing of any "person" doing the same (person being an individual, corporation, union, or other entity), meaning that the entirety of [§ 2971](#) covers all individuals and entities. The one material difference is that IEOPCs are to additionally file "the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee’s last report." So, with H.474's proposed substitution of IEOPC with the "public question campaign" (new definition above), the effect will be that political campaigns for *issues* will still have this additional requirement, whereas political campaigns for *candidates* will not.

I should add that, under Vermont's campaign finance law, political committees/political action committees/"PACs" and IEOPCs/"Super PACs" are not treated differently. That is, they have the same contribution limits (see 17 V.S.A. § 2941) (there are no expenditure limits). This being said, [federal law](#) and federal court decisions (see [Citizens United v. FEC](#) and [Speechnow.org v. FEC](#)) have nullified limitations on Super PAC contributions and expenditures. This is all to say, while Vermont law may conflate the PACs and Super PACs, these are permitted to operate very differently in practice.

I hope you find this helpful. Please let me know if you have any other questions about H.474 or election law in general.

Best Regards, Tim

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