



UNDERSTANDING PRIOR APPROVAL



MYTH vs FACT

A trade association PAC can accept a prior approval authorization from any executive of a member company who is active in the association.



Trade association PACs are required to obtain a prior approval authorization from the **corporate representative with whom the association normally conducts its activities** and who is authorized by the corporation to make such approvals. This is usually the key member contact for the association. Multiple executives from one company can not sign prior approval authorizations.

Once a member company executive authorizes prior approval, it is effective indefinitely.



Corporate members' authorizations are effective **only for the calendar years which they designate**. The authorization expires on December 31 of each designated year. Multiple calendar years may be designated as long as there is a specific authorization for each year.

A trade association PAC can solicit the eligible employees of its member companies, as long as a prior approval authorization is requested at the same time.



A trade association PAC may not simultaneously request prior approval and solicit its corporate members. The member company's approval must be received by the PAC before it conducts a solicitation. For example, the association or its PAC cannot send a solicitation letter to its members and ask them to return a prior approval authorization along with a contribution form.

If a trade association PAC is hosting a fund-raising event, the PAC can collect prior approval authorizations from members as they enter the event.



This is really another example of conducting a simultaneous request for prior approval and a solicitation. If the event is held in conjunction with a convention, for example, the **PAC should obtain prior approval authorizations before the convention convenes** or during the convention well in advance of the event and at a separate location such as a PAC booth.

MYTH

FACT

A trade association can sponsor a PAC fundraising event at one of the association's conferences and invite all of the registrants to attend.



Only registrants whose companies have authorized prior approval may be invited to attend a PAC fundraising event. An invitation to the event is considered a solicitation. The PAC may send the company's contact a request for prior approval along with a sample of the invitation as an example of the type of information that would be provided to eligible employees in the company if prior approval is granted.

A trade association PAC can save money by producing a one-size-fits-all brochure that seeks both prior approval and solicits contributions.



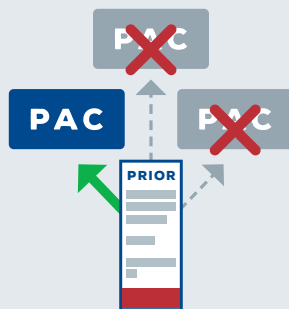
This indeed may be an efficient and cost effective way to proceed, but it is not permissible. **The request for prior approval must be a separate event and precede the solicitation.** Again, the PAC may enclose a sample of a solicitation, and the request for prior approval should state that this is an example of the type of communications executives may receive.

A trade association member or staff person may secure another member's prior approval verbally.



A trade association or its PAC **must make a written request** for permission to solicit a member company's restricted class, and that permission must be obtained in a written format. These authorizations also can be collected via email or a web site. Furthermore, the authorization must be retained for three years after the year for which the approval applies.

A trade association is not responsible for making sure that its member companies provide prior approval to only one trade association per year.



A company may not provide its prior approval authorization to more than one trade association per calendar year. It is good practice for a trade association PAC to protect against this by including a disclaimer in its request for prior approval, such as: *"As required by federal law, your company may not authorize any other trade association PAC to solicit its employees during the calendar years designated and will not approve such solicitations for any year in which prior approval is granted to this PAC."*

Truck PAC's mission is to help elect federal candidates, regardless of party affiliation, who understand our issues and support the trucking industry. All contributions made to Truck PAC go toward funding the campaigns of federal candidates.

<https://www.trucking.org/truck-pac>

