The Election is Tomorrow… For PACs, then what?

You've spent a year or more engaging contributors and members from your restricted class or the general public. You've communicated often, raised money, conducted Independent Expenditures, and made campaign contributions. You've supported your champions and opposed your foes; attended events, and made your bets. **Hopefully, you've stayed on top of your reporting and compliance obligations.** Now, your attention is focused on the outcome of what has become the most highly contested and competitive midterm election cycle in 16 years, with a price tag **estimated at $2 Billion**.

Special thanks to Dr. Steven Billet, Director of George Washington University's PAC Management program, and Amy Showalter, of the Showalter Group, both of whose work influenced this article.

So what do you do November 3rd?

The most effective PACs with the greatest ability to influence electoral and public policy outcomes are those that have a plan and look ahead. Many leading PACs already have an idea what their 2011-2012 plans will be and how they will respond to any relevant outcome on November 2nd. Is your PAC one of those?

If not, November & December is the time to lay out your plans for the next two years: set goals, define strategies to achieve them, and begin to execute. The worst mistake that a PAC can make – and that is made all too often– is to ratchet down after an election. If you wait until late 2011 or early 2012 to step up for the next election, **it will be too late.** The most effective and influential organizations are already into their 2012 election cycle plans – you should be too.

2010 has been a big year for PACs & PAC managers, with tremendous change in the law and an explosion of new groups, new donors and new money coming in and new ways of money going out. When you're at the wheel driving your PAC forward, don't get stuck in the compliance mud.

If you've had trouble with your October monthly, third quarter, 12-day pre-general report, or the upcoming post-general reports – or your continuing 24-hour reporting obligations – don't **wait for the FEC to come to you**. Take time now to seek guidance on complying with your FEC reporting obligations. For more information, contact us at dbacker@dbcapitolstrategies.com

Run your PAC like you would a business – because it is.

Whether you raise $5,000 or $500,000 each year (or more), you are running a business and need to treat it as such. It's easy to accept the current size of your PAC as a limiting factor, particularly for non-connected committees that bear all their own costs. Separate Segregated Funds have the

advantage of their sponsoring organization paying most or all of their operating costs, but that can easily lead to a sense of complacency with existing results. Don't let either a sense of current limitations or satisfaction with success to date stop you from growing. Smart businesses always look to improve. Start by asking yourself these key questions:

1. Have you conducted a strategic review of your Strengths, Weaknesses, Opportunities, and Threats (SWOT), or another type of strategic analysis?
2. Do you have effective leadership and a strong leadership team, including staff and volunteers, able to capitalize on your analysis?
3. Have you conducted market research to understand your audience?
4. How does that research shape your message development about the PAC and your goals?
5. Do you have a plan on how, when, why, and the "ask" you will communicate to your audience?
6. Will you move from a passive audience to a fully engaged grassroots advocacy community?
7. What methods, means, and pitches will you use to raise funds from a *segmented* donor base?
8. What internal controls govern to whom, how, and when you distribute or expend funds?
9. Do you have a baseline operating & contributions budget and an FEC compliance plan?
10. Have you put all this together into a comprehensive strategic plan to run your business/PAC?

You are in the "Effective Advocacy" business.

Your PAC exists to achieve specific political or policy outcomes – whether supporting or opposing passage of certain legislation, electing candidates who share your values, or educating policy-makers on your issues. Being effective at delivering those outcomes is not measured in the activity you generate, but in the results you achieve. Is your organization satisfied by a well-run fly-in even if your bill doesn't pass? Is "being heard" by Congress enough even if the nominee you oppose goes through? Do you support and engage the same legislative champion(s) cycle after cycle without any measurable outcome?

It is a tenet of successful organizations that being *effective* and achieving your advocacy goals starts with a strong strategic plan, but even the best plan is not enough. Critically examining how your organization implements and whether you are generating activity or results is vital to deliver effective advocacy and the desired results.

Effective Advocacy is a three-legged stool

Effective advocacy organizations know that long term success is a function of three key elements: (1) grassroots, (2) direct advocacy, and (3) a strong PAC. Grassroots engagement from individual constituents puts a human face on an issue to demonstrate to decision makers the impact of policy on voters. Direct advocacy by seasoned government relations professionals and influential "grass-tops" constituents drives the message home through direct, regular, face to face meetings based on personal relationships. An active PAC is the vital third leg to stand up your relationships with Congressional champions, important committees, and influential staff while supporting allies

and giving pause to your enemies. The myth of PACs is that they buy (policy) outcomes – they don't. What PACs do is provide access and the opportunity to build relationships that allow you to make your case at the right time and to the right person – and that is invaluable.

Every PAC and advocacy program is ultimately imperfect with plenty of room to improve how effective an advocacy organization it is. Analyzing how well it implements each of those three legs can help an organization become more effective at achieving its goals. While particularly important to non-connected committees which must stand up each leg on their own, SSFs can also benefit from looking beyond their PAC operation to assess how effective an overall advocacy organization they are. Positive change may not always be feasible for a variety of financial, cultural, organizational, and a host of other reasons unique to each group. Other changes, however, often can and should be implemented. Doing so will make your small business (your PAC/advocacy program) more effective and more capable of achieving the results you seek. The first step is taking a critical look at your organizations goals, strategies, and where you can improve – and often being willing to bring in outside expertise to help do so.

Caveats and final thoughts

Don't wait too long. Tomorrow is the end of one cycle and the beginning of another that is sure to be even costlier and more intense than the one just ended. The most successful PAC and advocacy organizations are already deep into 2012 planning, and you should be too. Take the rest of this year to develop your 2011/2012 strategic plan – including seeking outside input to enhance that plan. Position yourself now to spend the next year focused on engaging your members & donors and growing your organization so that when the 2012 primaries come (or the inevitable 2011 special elections), you are ready. Doing so will help your organization become a more effective advocate and achieve more successful public policy results.

About DB Capitol Strategies and Dan Backer, Esq.

DB Capitol Strategies provides legal, strategic & operational guidance to political committees with a focus on PAC treasury and FEC reporting and compliance through its lead attorney Dan Backer. Mr. Backer is a graduate of the University of Massachusetts Amherst and George Mason University School of Law. In 2009, Mr. Backer earned the Professional Lobbying Certification (PLC) from the American League of Lobbyists. He is admitted to practice law in Virginia and Washington DC, and before the U.S. District Court for both the Eastern & Western Districts of Virginia. Mr. Backer has extensive experience with public policy & advocacy programs, grassroots organizations, and Political Action Committees, and is Treasurer or Assistant Treasurer of several PACs.

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