

## **RPAC Social Media Advertising Guidelines**

“5 Reasons You Should Invest in RPAC” sounds like a great social media promotion piece sure to get some click-throughs to your association’s RPAC page. But if you post it as a Facebook or LinkedIn status update or a tweet, you’ve just violated federal and state election law.

Here’s why: Under federal campaign finance law, a trade association is permitted to solicit contributions for its federal PAC only from its restricted class, which includes its members, executive and administrative personnel, and their families. Because you can’t ensure that all of your social media followers are members, you can’t solicit RPAC investments via a status update or tweet or Instagram photo. **RPAC-related information on social media and websites is subject to both federal and state election laws.**

But you can still use Facebook and other social media for RPAC if you follow these guidelines:

### **1. Don’t ask, just the facts**

You may not post anything that could be considered a solicitation for an RPAC contribution on any social media that is open to the public. Terms such as donate, invest, contribute, participate, give, join, etc., in your communications are clear solicitations, but so are posts that encourage contributions simply by pointing out the benefit of RPAC to the real estate industry or to members’ businesses. For example, if you post the names of Sterling R contributors and describe them as ensuring the future of the industry, then you are encouraging others to do the same. However, you can simply post the names of Sterling R contributors. You may post general RPAC facts and financial information, such as how much has been contributed or the number of contributors to RPAC in a given period. You may not post anything that expressly encourages attendance at an RPAC fundraising event. For example, tweeting: “Our RPAC Casino Night Sept. 12 will be the event of the year!” is encouraging attendance. You may, however, post information and photos after the RPAC event and mentioning how much money was raised for RPAC.

### **2. Restrict member RPAC posts**

Federal campaign finance law also covers the posts and tweets your elected leaders and members make about RPAC. Although members can post factual information about themselves such as being a Major Investor, they cannot write posts encouraging others to make similar RPAC

contributions. If a member posts an RPAC solicitation on your association Facebook page, delete it immediately. Of course, associations can post any RPAC information they want in a Facebook group as long as it is closed to just members (just the solicitable class), for example a REALTOR® YPN group

## DON'T



This is an example of a social media post that violates campaign finance laws. This post encourages members to attend the upcoming RPAC event. This encouragement is considered a solicitation and therefore, it violates campaign finance laws. Remember, don't ask just keep it to the facts

## DO



## FAQ

### **Can my association use social media sites for RPAC?**

Subject to the restrictions noted above and below, yes. The association may make certain RPAC information available to the public, such as posting meeting times and basic information about RPAC. However, because RPAC contributions may only be solicited from the so-called “solicitable class,” which essentially consists of members and their families, anything which could be considered a “solicitation” for an RPAC contribution will need member-access only password protection.

### **What RPAC information can be placed on the association public social media and webpages?**

- General information about RPAC, such as contact information and staff.
- General information about RPAC activities, such as a calendar of RPAC events.
- A description of the restrictions under which RPAC operates, such as that only members of the solicitable class may contribute to the RPAC or who determines which candidates will receive RPAC support.
- Members may post factual information about themselves for recognition they have received for their investments such as being a Major Investor, but cannot write posts encouraging others to make similar RPAC contributions.

### **What information needs to be behind member-access only password protection?**

All communications that constitute a “solicitation” need to be password protected. This would be true for private social media sites where solicitations are taking place, and those private sites will need to be limited to those within the restricted class. In the case of Facebook, an association **members only** Facebook group may post communications that constitute a solicitation, but they solicitations cannot be made on a public association Facebook page.

### **What constitutes a solicitation?**

A communication will constitute a solicitation if it “encourages... support [of] the PAC’s activities (by making a contribution) [or] facilitates the making of contributions.” Facilitation of the making of contributions would include providing information on how individuals may contribute to the PAC, such as by including in the communication an address to which a contribution may be sent.

Information about a PAC fundraising event does not constitute a solicitation and can be publicly available if it consists of nothing more than details about when or where the event will be held.

**However, information that expressly encourages attendance and/or RPAC contributions at such an event, or information about where to send an RPAC contribution, constitutes a solicitation.**

### **Can an association promote RPAC fundraising events on its public pages?**

An association could list RPAC fundraising events on its public pages and calendars, but it will need to be careful that the name itself does not constitute a solicitation nor can there be specific information about the event beyond the date and time of the event. For example, the association could list “RPAC Casino Night” on its public website calendar with a link to a password

protected area of the site that would contain information about the event. However, an event named “Give to RPAC” or “RPAC Needs Your Contribution” could not be publicly displayed, since those names would constitute solicitations.