

FEC Allows Whirlpool to Use Common Username and Password for PAC Website

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On March 24, 2006, the Federal Election Commission (FEC) approved Advisory Opinion 2006-3, which provided guidance to Whirlpool Corporation concerning the type of username and password it may use to protect access to a website documenting its affiliated PAC's activities. In the opinion, the FEC concluded that Whirlpool may use a common username and password, distributed to all members of Whirlpool Corporation Political Action Committee's (WCPAC) solicitable class in order to secure access to the PAC's website.

Whirlpool had requested guidance from the FEC on the username and password requirements adopted by the FEC in Advisory Opinion 2000-7 (Alcatel USA, Inc.). That opinion determined that a corporation may use a password-protected website, accessible from corporate computers, to document the activities of its affiliated PAC and provide information about donating to the PAC. Alcatel had distributed a unique username and password to each member of its PAC's solicitable class as a means of ensuring that only class members could access the PAC's website. In the Advisory Opinion, the FEC established that providing unique usernames and passwords to the solicitable class was sufficient for Alcatel to meet the federal requirement that a corporate PAC only solicit funds from members of its solicitable class.

Whirlpool sought guidance concerning whether a company must distribute unique usernames and passwords to its solicitable class to meet the requirements of federal law. It proposed to distribute one common username and password to the corporation's solicitable class for access to WCPAC's website. The website would contain information regarding how solicitable class members can make donations to WCPAC, along with information on the current activities of the PAC. The access portal to WCPAC's website, where the username and password would have to be entered, would include a disclaimer to Whirlpool employees that only solicitable class members can access WCPAC's website and make donations to the PAC. The FEC decided that such a disclaimer did not violate federal requirements that a PAC only solicit contributions from the solicitable class twice each year and that the common username and password were sufficient to meet the requirements of the Alcatel Advisory Opinion.

The FEC also determined that Whirlpool could give its solicitable class members access to WCPAC's website through a link placed on its corporate government relations website, accessible to every Whirlpool employee. The FEC advised Whirlpool, however, that it must "take steps to ensure that the common username and password will not be disseminated beyond the solicitable class."