Use of Resources and Facilities

CHAPTER 10
Use of Resources and Facilities

Under certain circumstances, corporations (including incorporated membership and trade associations) and labor organizations may allow candidates, political committees and individuals to use their resources and facilities (e.g., computers, phones, office equipment, furniture and rooms) in connection with federal elections. Described below are rules that apply to the use of facilities; note particularly when the user must reimburse the organization and when payment must be made in advance of the facility use.

This section does not apply to the use of an organization’s facilities for the purpose of administering an SSF or raising funds for it. See pages ii and 8.

1. Individual Volunteer Activity

Incidental Use

Corporate employees and stockholders and labor organization employees, members and officials may make occasional, isolated or incidental use of corporate/labor organization facilities for their own individual volunteer activities in connection with a federal election. Note that the Commission has said that the use of facilities during one hour per week or four hours per month is considered “incidental use.” 114.9(a)(1)(iii). Note, however, that this safe harbor does not apply when the employee is asked by a superior to do the volunteer work as a part of his/her regular duties. 114.2(f)(2)(i)(A). See Use of Staff, below.

Reimbursement

Incidental Use

When the individual’s use of the facilities is occasional, isolated or incidental, the individual must reimburse the organization to the extent that his/her activity increased the corporation/labor organization’s overhead or operating costs. 114.9(a)(1) and (b)(1).

Activity Exceeding Incidental Use

When the individual’s use of facilities exceeds the time frame of “incidental use,” the individual must, within a commercially reasonable time, reimburse the corporation/labor organization for the usual and normal rental charge for facility use. 114.9(a)(2) and (b)(2).

Internet Activities

A corporation or labor organization may permit its employees, shareholders, officials and members to use its computer and Internet facilities for individual volunteer Internet activity, without making a prohibited contribution. Exempt Internet activities include:

- Sending or forwarding election-related email;
- Providing a hyperlink to a campaign or committee’s web site;
- Engaging in campaign-related blogging;
- Creating, maintaining or hosting an election-related web site; and
- Paying a nominal fee for a web site or other forms of communication distributed over the Internet.

This exemption is contingent on the individual completing the normal amount of work for which the employee is paid, or is expected to perform, that the activity would not increase the overhead or operating costs of the organization, and that the activity is not coerced. The organization may not condition the availability of the Internet or the computer on their being used for political activity or for support for or opposition to any particular candidate or political party. 114.9(a) and (b).

2. Use in Fundraising

Corporations and labor organizations are generally prohibited from using their resources or facilities to engage in fundraising activities in connection with a federal election (except for fundraising for their own SSF—see Chapter 3. See also Appearances Before the Restricted Class, Solicitation by the Corporation or Labor Organization, page 81). There are, however, three narrow exceptions.
Use of Staff

Corporate/labor officials or employees may direct subordinates to plan, organize or carry out fundraising as part of their work, using corporate/labor organization resources, only if the corporation or labor organization receives advance payment for the fair market value of the services, including compensation, benefits and overhead. However, using coercion to urge anyone to engage in fundraising on behalf of, or make a contribution to, a candidate or political committee is prohibited. 114.2(f)(2)(i)(A) and (iv). See also AO 1998-16.

Use of Customer/Client Lists

A corporation or labor organization may, in connection with a fundraiser, use the organization’s lists of customers, clients or vendors or others not in the restricted class to send invitations or solicit contributions only if the organization receives advance payment for the fair market value of the lists. 114.2(f)(2)(i)(C).

Use of Catering or Food Services

In connection with a fundraiser, the corporation or labor organization may operate or obtain catering or other food services only if the corporation or labor organization receives advance payment for the fair market value of the services. 114.2(f)(2)(i)(E).

Advance Payment for Use of Resources and Facilities

---

**Advance Payment for Use of Resources and Facilities**

**Use of Staff**

Corporate/labor officials or employees may direct subordinates to plan, organize or carry out fundraising as part of their work, using corporate/labor organization resources, only if the corporation or labor organization receives advance payment for the fair market value of the services, including compensation, benefits and overhead. However, using coercion to urge anyone to engage in fundraising on behalf of, or make a contribution to, a candidate or political committee is prohibited. 114.2(f)(2)(i)(A) and (iv). See also AO 1998-16.

**Use of Customer/Client Lists**

A corporation or labor organization may, in connection with a fundraiser, use the organization’s lists of customers, clients or vendors or others not in the restricted class to send invitations or solicit contributions only if the organization receives advance payment for the fair market value of the lists. 114.2(f)(2)(i)(C).

**Use of Catering or Food Services**

In connection with a fundraiser, the corporation or labor organization may operate or obtain catering or other food services only if the corporation or labor organization receives advance payment for the fair market value of the services. 114.2(f)(2)(i)(E).

**Advanced Payment**

In Advance

“In advance” means before the staff services, the lists or the catering services are provided.

**Permissible Sources**

Any person who is not otherwise prohibited from making a contribution in connection with a federal election (e.g., an individual, PAC or campaign) may make the advanced payment. For example, the candidate, the organization’s separate segregated fund, the party or an individual may make the advanced payment.

**Effect on Contribution Limits**

Payments by the candidate or the candidate’s committee will be considered campaign expenditures. Payments by any other person will be considered in-kind contributions to the candidate, subject to limits and reporting requirements.
3. Use of Offices and Equipment

If a committee or individual other than an employee or stockholder of a corporation, or a member or official of a labor organization, uses the corporate/labor organization facilities in connection with a federal campaign, the user must reimburse the organization within a commercially reasonable time and at the usual and normal rental charge. Facilities used for these purposes might include office space, telephones, computers, typewriters, copy machines and furniture. 114.9(d).

4. Meeting Rooms

At Discount or for Free

A corporation or labor organization may offer its meeting rooms to a candidate or a political committee at a discount or for free if:

- It customarily makes the meeting rooms available to clubs, civic or community organizations or other groups at a discount or for free;
- It makes the meeting rooms available on the same terms given to the other groups using the meeting rooms; and
- It makes the meeting rooms available to any other candidate or political committee upon request. 114.13.

At Normal and Usual Rental Charge

Alternatively, a corporation or labor organization may, at its discretion, rent its meeting rooms to a candidate or political committee provided the corporation or labor organization is reimbursed within a commercially reasonable time and at the usual and normal commercial rental rate. 114.2(f)(2)(B) and 114.9(d).

EXAMPLE: If Corporation XYZ allows a civic group to use its meeting rooms at a 20 percent discount from the usual and normal rental rate, Corporation XYZ may allow Candidate A to use the meeting rooms at the same 20 percent discount as is given to the civic group. If it allows Candidate A to rent the meeting rooms at the 20 percent discount, Corporation XYZ must allow any other candidates who so request to use the meeting rooms, and it must give them the same 20 percent discount.

Alternatively, if Corporation XYZ rents its meeting rooms to Candidate A at the usual and normal rental rate, it is not required to allow any other candidate to use the rooms.

---

1 If the connected organization’s SSF makes use of the organization’s facilities in connection with a federal campaign, the SSF must pay for the use of the facilities in advance. AO 1984-24. However, neither reimbursement nor advance payment for the use of a corporate resource or facility is permissible in situations in which a corporate employee provides campaign-related services to federal candidates and the initial disbursement for the resource or facility is made by the corporation. AO 1984-37.
5. Transportation

Use of Corporate/Labor Airplane

A candidate or any other person traveling on behalf of the campaign or another political committee may use an airplane that is not licensed to offer commercial services (i.e., one that is not licensed to operate for compensation or hire under Federal Aviation Administration rules at 14 CFR parts 121, 129 or 135). In order to avoid receiving a contribution from the owner or lessor of the airplane (e.g., a corporation or labor organization), each campaign traveler must pay the owner or lessor within seven days of the beginning of the flight as follows:

- In the case of travel between two cities with regularly scheduled first-class airline service, the campaign must pay the lowest unrestricted and non-discounted first-class airfare available for the dates traveled or within seven calendar days thereof;
- In the case of travel between two cities served by regularly scheduled coach airline service where at least one is not served by regularly scheduled first-class airline service, the campaign must pay the lowest unrestricted and non-discounted coach airfare available for the dates traveled, or within seven calendar days thereof; and
- In the case of travel between two cities not served by regularly scheduled first-class or coach airline service, the campaign must pay the charter rate for a comparable commercial airplane of sufficient size to accommodate all of the campaign travelers, including members of the news media, and security personnel. 100.93(c).

Other Non-Commercial Transportation

If a campaign uses other non-commercial means of transportation owned or leased by a corporation or labor organization, the campaign must reimburse the owner or lessor the usual and normal fare or rental charge for a comparable commercial conveyance capable of accommodating the same number of campaign travelers, including any members of the news media, and security personnel. Payment for the travel must be made 30 days from the receipt of the invoice, but no more than 60 days following the date the travel commenced. 100.93(d).

6. Production of Campaign Materials

Any person using corporate/labor organization facilities to produce materials in connection with a federal election must reimburse the corporation or labor organization within a commercially reasonable period of time for the usual and normal charge for producing those materials in the commercial market. 114.9(c).
In addition to the communications described above, a corporation or labor organization may use its treasury funds for other activities affecting the political process at the federal level. These activities are not considered contributions, and they are not reportable by the organization that conducts them. Listed below are descriptions of these activities along with pertinent guidelines.

1. Legal and Accounting Services

A corporation or labor organization may offer free legal and accounting services to candidate committees, party committees and other political committees provided that:

- The corporation or labor organization paying for the services is the regular employer of the person performing the services;
- The corporation or labor organization does not hire additional employees to render the services or to enable the regular employees to provide the services;
- Any services to candidate committees and other nonparty political committees are provided only for the purpose of helping them comply with the federal election campaign laws or Chapter 95 or 96 of the Internal Revenue Code; and
- Any services provided to political party committees are not attributable to activities that directly further the election of a designated candidate or candidates for federal office. 100.85, 100.86, 114.1(a)(2)(vi) and (vii).

Because recipient committees must report the value of donated legal and accounting services, the corporation or labor organization should provide committees with the following information: the amount paid for the services, the date they were performed and the name of each individual performing them. 104.3(h).

2. Donations to Nonfederal Candidates and Committees

A corporation or labor organization may make donations to nonfederal candidates and to organizations not involved in federal elections, if permitted by state law. However, national banks, federally chartered corporations and foreign nationals are prohibited from making contributions or expenditures in connection with state and local elections. 110.20 and 114.2(a).

3. Donations for Party Office Building

A corporation or labor organization may donate money or anything of value to a state, district or local party committee specifically for the purpose of constructing or purchasing a party office building. 114.1(a)(2)(ix). Building fund donations are not considered contributions or expenditures and are not subject to limits or prohibitions, other than the prohibition against donations from foreign nationals. 100.84, 100.144, 110.20(d), 114.1(a)(2)(ix) and 300.35. (This exemption does not apply to national party committees. 100.56, 100.114, and 300.12(d)).

The building fund exemption does not cover expenditures for rent, operating costs, property taxes or other administrative expenses incurred by a party committee. See AOs 2001-12, 2001-1, 1998-8, 1998-7, 1997-14, 1988-12, and 1986-40.

In Advisory Opinion 2001-1, the Commission determined that the building fund exemption also covers compensation paid to a person who raises funds exclusively for the party’s office building accounts.

4. Corporate Vendor Discounts

A corporate vendor of food and beverages may sell food and beverages at a discount, but not lower than cost, to a candidate’s campaign or to a political party committee. The cumulative value of such
discounts (i.e., the difference between the normal charge and the amount paid by the committee) may not exceed $1,000 per candidate, per election, or $2,000 annually on behalf of all political committees of the same party. 100.78, 100.138 and 114.1(a)(2)(v). Vendor discounts given in the ordinary course of business to political and nonpolitical customers alike, however, are not subject to these limits. See AO 1989–14.

5. Employee Participation Plans

A corporation or labor organization may set up a political giving program for its employees. Such a program is often called an employee participation plan or a trustee plan.

What the Plan Involves

The corporation or labor organization pays for the costs of establishing and administering separate bank accounts for participating employees. Any individual employee who wishes to participate diverts part of his or her payroll funds into a separate account in his or her name, from which he or she makes contributions.

Guidelines for Establishing Plan

An employee participation plan must conform to the following guidelines:

- The corporation or labor organization must make the plan available to all its employees.
- Although the corporation or labor organization may distribute information about the plan, it may not exert pressure on employees to participate.
- The employee must exercise complete control and discretion over the disbursement of his or her funds with no direction or control from the corporation or labor organization.
- The corporation or labor organization may not be identified when contributions are transmitted to candidates or political committees.
- The administrator of the plan (e.g., a bank or trustee) may provide the corporation or labor organization with periodic reports on the plan’s activity. However, reported information is limited to the following: the total number of participants, the combined total of funds in all accounts and the total amount of contributions made to all candidates and committees combined. 114.11.

6. Donations by Businesses for Presidential Conventions

Individuals, businesses (including corporations), labor organizations and other organizations may promote and support a national Presidential nominating convention through donations to a host committee or municipal fund in the city hosting the convention in accord with the rules described below.

Donations to Host Committees

Businesses (including corporations), labor organizations, other organizations and individuals may donate funds, goods and services to a convention host committee or municipal fund for the following purposes:

- To promote the suitability of the city as a convention site;
- To welcome convention attendees (e.g., by providing information booths, receptions, tours or the promotional items described below);
- To facilitate commerce (e.g., by providing convention attendees with shopping or entertainment guides, samples, maps, pens, pencils or other items of de minimis value);
- To defray the host committee’s administrative expenses (e.g., salaries, rent, travel or liability insurance);
- To provide the national committee use of an auditorium or convention center and to provide related services (e.g., construction of podiums, press tables, camera platforms, lighting and electrical systems; offices; office equipment; and/or decorations);
- To defray the cost of local transportation services (e.g., by providing buses and automobiles);
- To defray the cost of law enforcement services;
- To defray the cost of using central housing and reservation services;
- To provide hotel rooms at no charge or a reduced rate on the basis of number of rooms actually booked for the convention;
- To provide accommodations and hospitality for committees of the parties responsible for choosing the sites of the conventions; and
- To provide other similar convention-related facilities and services. 9008.52(b).
7. Donations by Commercial Vendors for Presidential Conventions

Discounts, Samples and Promotional Arrangements with National Committees

Under limited circumstances, commercial vendors may provide goods and services in connection with the presidential nominating convention, without their value counting as either a contribution or an expenditure.

Discounts Provided to National Committees

Commercial vendors may provide goods and services to the national convention committee at a discount or for free if this arrangement is made in the ordinary course of business. “In the ordinary course of business” means:

- The vendor has an established practice of providing such discounts to nonpolitical clients; or
- The reduction is consistent with an established practice of the vendor’s trade or industry.

Permissible discounts include standard volume discounts and reduced rates for corporate, governmental or preferred customers. 9008.9(a).

Samples Provided to National Committees

Commercial vendors and banks may provide items of de minimis value at nominal or no charge. For example, samples, discount coupons, maps, pens, pencils or other items may be distributed to convention attendees. 9008.9(c).

Discounts and Samples: No Reporting

Discounts and items of de minimis value as described above do not have to be reported. 9008.9(a) and (c).

Promotional Arrangements

Commercial vendors also may, in the ordinary course of business (as defined above), provide the convention committee with goods and services in exchange for promotional consideration. The value of these goods and services may not exceed the commercial benefit reasonably expected to be derived from the promotional opportunity the convention presents. 9008.9(b).

An example of a promotional consideration would be an arrangement in which an automobile manufacturer loaned cars to the Democratic and Republican parties for use at their national nominating conventions. In return, the manufacturer could advertise the cars as the official cars of the Democratic and Republican conventions. See AO 1996-17. (Note, however, that these arrangements are not limited to “official providers” but include a variety of promotional arrangements.)

Reporting Promotional Arrangements

The convention committee must disclose, as a memo entry, any promotional arrangements with commercial vendors in its FEC reports. 9008.9(b).

Discounts, Samples and Promotional Arrangements with Other Organizations

Under the same terms as those described above, commercial vendors may provide goods and services for convention use to host committees and municipal funds. The recipients must disclose the activity on reports to the FEC. 9008.52(a) and 9008.53(a).
A. Shared Federal and Nonfederal Activities

This appendix explains rules that apply when a committee chooses to support both federal and nonfederal candidates. The rules do not apply to committees that conduct only activities related to federal elections.

As explained below, a committee engaging in both federal and nonfederal election activity has two options:

- Set up one federal account (an SSF) that supports both federal and nonfederal candidates while reporting all activity to the FEC; or
- Set up two accounts—an SSF for federal elections and a nonfederal account for state and local elections. 102.5(a)(1).

The second option permits the committee to maintain a nonfederal account that has no federal registration or reporting obligations. When conducting an activity that benefits both federal and nonfederal candidates or committees, however, the committee may have to allocate the costs between the two accounts. This means that the committee must pay for at least some of the costs from its federal account, and follow specific rules (explained below) for payment.

1. Using One SSF Account

A committee may support both federal and nonfederal candidates and committees with one SSF account, but all funds received by the SSF are subject to the prohibitions, contribution limits and solicitation restrictions of the Federal Election Campaign Act. 102.5(a)(1)(ii) and (2).

Reportable Nonfederal Activity

A registered SSF must file FEC reports on all its financial activity, including activity which supports nonfederal candidates. 104.10 As explained in Chapter 7, SSF disbursements for nonfederal elections should be reported as “Other Disbursements” on Line 29 of Form 3x and itemized on Schedule B once they aggregate over $200 to the same candidate or committee in a calendar year.

State Law Applies

Any SSF contribution or expenditure made in connection with a nonfederal election is subject to applicable state law. An SSF should seek guidance from state election officials before engaging in nonfederal campaign activity.

2. Using Two Accounts

Alternatively, a committee or connected organization may set up two accounts—an SSF for federal election activity and a second account (sometimes referred to as a “state PAC”) for nonfederal activity.

Federal Account

If two accounts are used, only the federal account (the SSF) has registration and reporting obligations under the Act. 102.5(a)(1)(i) and (2).

Nonfederal Account

An account used only for state and local elections is generally not subject to the Act’s registration and reporting requirements, nor is it subject to the Act’s contribution limits or solicitation rules. (Nevertheless, federal law prohibits nonfederal committees from accepting contributions from foreign nationals, national banks and federally chartered corporations. 110.20 and 114.2.)

Transfers from the Nonfederal Account

The committee may not transfer funds from the nonfederal account to the federal account except under the circumstances described below. 102.5(a)(1)(i) and 106.6(e)(1)(i).

Collecting Agent Activity

A nonfederal account may act as a collecting agent for contributions to the federal account without triggering registration requirements. 102.6(b)(1) and (2). See also AOs 2003-29 and 1984–31. Collecting agent procedures are described on page 28.

Allocated Expense Payments

A nonfederal account may transfer funds to the federal account to cover the nonfederal portion of expenses benefiting both federal and nonfederal candidates or committees. The transfer must be made according to the rules described in Sections 4, 5 and 6 of this Appendix. 102.5(a)(1)(i) and 106.6(e)(1)(i).
3. Allocation Between Accounts

When a committee uses separate accounts for activities connected with both federal and nonfederal elections, the committee may have to allocate its expenses between the two accounts to ensure that the federal account pays its share of the costs associated with that activity. Allocation is not required, however, if shared expenses are paid entirely by the federal account or if the connected organization pays all administrative and solicitation expenses. AO 1991-35.

Failure to allocate expenses when required could result in a contribution by the nonfederal account to the federal account—a violation of federal law. 102.5(a)(1)(i).

The main types of activities that require allocation are described below.

Expenses Requiring Allocation

Generic Voter Drives
A generic voter drive is an activity directed at the general public that urges support for candidates of a particular party or associated with a particular issue, but does not refer to particular candidates. Generic voter drive expenses are allocated the same way as administrative expenses. See 106.6(b)(1)(iii). See section 5.

Generic Public Communications
Public communications that refer to a political party but do not refer to any clearly identified federal or nonfederal candidates are allocated the same way as administrative expenses. 106.6(b)(1)(iv). See section 5.

Direct Candidate Support
“Direct candidate support” activities by SSFs include both in-kind contributions and independent expenditures. Direct candidate support also includes public communications or voter drives that refer to both federal and nonfederal candidates, regardless of any reference to a political party. 106.6(f)(3).

Allocable in-kind contributions include, for example, payments for fundraising activities conducted on behalf of both federal and nonfederal candidates and payments for communications that support both federal and nonfederal candidates.

An independent expenditure may be allocated if it advocates the election or defeat of both federal and nonfederal candidates.

As explained above, an SSF may allocate direct candidate support expenses only if it uses separate federal and nonfederal accounts to pay for them.

See Section 4, below, for more information about allocating candidate fundraising activities. See Section 5 for information about allocating communication costs.

Administrative Expenses
Administrative expenses include, for example, rent, salaries and supplies. Such expenses must be allocated only if:

- The committee maintains separate federal and nonfederal accounts, and
- The committee pays its own administrative expenses from both accounts. (Normally, the connected organization pays such expenses.) See Section 6 for more information.

Committee Fundraising
Similarly, costs associated with soliciting contributions to the SSF are allocated only if the committee maintains two accounts, raises money for both accounts and pays for its own fundraising costs from both accounts. (Normally, the connected organization pays for fundraising.) 106.6(b)(1)(ii). See Section 7 for more information.

Non-Allocable Expenses

Generally, communications and voter drives that refer to a federal candidate(s) but do not reference any nonfederal candidates must be financed exclusively with federal funds, even if the communication includes a generic reference to the party. 106.6(b)(2)(i) and (iii).

Similarly, communications and voter drives that refer to a nonfederal candidate(s) but do not reference any federal candidate(s) may be financed with nonfederal funds, regardless of whether the communication refers to a party. 106.6(b)(2)(ii) and (iv).

Payment Options

Committees with separate federal and nonfederal accounts must use one of the following two methods to pay allocable expenses:

- Payment from Federal Account: The committee may pay the entire amount from its federal account (SSF), transferring funds from the nonfederal account to the federal account only to cover the nonfederal share of allocable expenses. 106.6(e)(1)(i).
Payment from Allocation Account: The committee may establish a separate allocation account for the sole purpose of paying joint federal and nonfederal expenses. 106.6(e)(1)(ii). Under the second option, the committee transfers funds from both the federal and nonfederal accounts to the separate allocation account in amounts equal, respectively, to the federal and nonfederal shares of each allocable expense. The allocation account is considered a federal account, and the SSF must include the account’s receipts and disbursements in its FEC reports. 106.6(e)(1)(ii), 106.6(e)(2) and (3).

Timing of Internal Transfers
The committee must transfer funds from the nonfederal account to the federal account (or to the allocation account) within a 70-day “window”—not more than 10 days before or 60 days after the original payment to the vendor. 106.6(e)(2)(ii)(B). (A transfer from the federal account to the allocation account is permissible at any time and is not reported, because the allocation account is seen as part of the federal account for reporting purposes. 104.10(b)(3) & (4).) Time limits also apply to adjustments of the allocation ratio and corresponding transfers, which may be required after an activity where federal and nonfederal funds are raised. See page 102.

4. Allocation Ratios

Flat Minimum Federal Percentage

Used For:
- Administrative expenses (if not paid by the connected organization), including rent, utilities, office supplies and salaries that are not directly attributable to a clearly identified candidate;
- Generic voter drives including voter identification, voter registration and get-out-the-vote drives or any other activity that encourages support for a political party or a particular issue without mentioning any federal or nonfederal candidate;
- Public communications that refer to a political party but do not refer to any clearly identified federal or nonfederal candidate; and
- Direct fundraising costs not paid for by the connected organization. 106.6(b)(1)(i).

Calculation:
These expenses must be paid for with at least 50% federal funds. 106.6(b)(1) and (c).

Time / Space Ratio

Used for:
Public communications that refer to both federal and nonfederal candidates; and
Voter drives, including voter identification, voter registration and get-out-the-vote drives that refer to clearly identified federal and nonfederal candidates.

Calculation:
Costs are allocated according to the ratio of space or time devoted to federal candidates compared with the total space or time devoted to all candidates, federal and nonfederal. In the case of a phone bank, the ratio is determined by the number of questions or statements devoted to federal candidates compared with the total number of questions or statements for all candidates. 106.6(f)(3).

Funds Received Ratio

Used for:
- Direct fundraising costs for both the SSF’s federal and nonfederal accounts (if not paid by the connected organization); and
- Direct fundraising costs of events that support both federal and nonfederal candidates.

Calculation:
Costs are allocated according to the ratio of funds received for the federal account (or candidates) to the total funds received through the fundraising event. 106.6(d).

5. Reporting Allocated Administrative, Generic Voter Drive and Generic Public Communications Expenses

Required Forms
- Schedule B—Itemized Disbursements
- Schedule H1—Allocation Ratio for Administrative Expenses, Generic Voter Drive Expenses and Generic Public Communications
6. Allocating Committee Fundraising Expenses

When Required
If an SSF’s connected organization does not pay its solicitation costs and the SSF raises money for both its federal and nonfederal accounts, the costs of the fundraising event or activity must be allocated between those accounts. However, the federal account could pay 100 percent of the costs without reimbursement and avoid the need to allocate.

Note that expenses incurred in connection with activities directly supporting candidates (such as fundraising for candidates) are not considered the committee’s own fundraising expenses, and the committee must report them as in-kind contributions. See Section 7.

Required Forms
- **Schedule B**—Itemized Disbursements
- **Schedule H2**—Allocation Ratios
- **Schedule H3**—Transfers from Nonfederal to Federal Account
- **Schedule H4**—Disbursements for Allocated Activity

Allocation Ratio

If the SSF raises money for both its federal and nonfederal accounts through the same fundraising program or event, the costs directly associated with the program or event are allocated using the “funds received” ratio, i.e., the ratio of funds received for federal activities to total funds raised through the program or event. The SSF must estimate the ratio prior to beginning the solicitation and report the ratio on Schedule H2.

The committee must also give each fundraising program a unique name or code. 104.10(b)(2) and 106.6(d).

Payments

The SSF must pay for fundraising expenses from its federal account (or separate allocation account). 106.6(e)(1). The nonfederal account may transfer its allocable share to the federal account as described below. The federal and nonfederal shares of the payments are reported on Schedule H4 and included in the total for Line 21(a) (Allocated Federal/Nonfederal Activity) of the Detailed Summary Page. 104.10(b)(4).
The “year-to-date” figure entered for each fundraising payment represents the total spent on that particular committee fundraising event as of the date of payment.

Transfers
The committee reports transfers from the nonfederal account to the federal account for shared fundraising expenses on Schedule H3. The amount of the transfer is also reported on the Detailed Summary Page, Line 18(a). 104.10(b)(3). The transfer must be made within the 70-day window described in Section 3. 106.6(e)(2)(ii).

Adjustments to Ratio
After a particular fundraising program or event, the SSF may need to adjust the allocation ratio reported for the event on Schedule H2 to reflect the federal and nonfederal shares of the actual receipts. The SSF must determine whether such an adjustment is necessary within 60 days after the date of the fundraising event. The revised ratio should be noted on a Schedule H2 filed with the PACs next report.

If an adjustment indicates that the nonfederal account paid more than its allocable share of expenses for the event, the PAC must transfer funds from its federal account to its nonfederal account to avoid an excessive payment by the nonfederal account. Any transfers from the federal account to the nonfederal account made as a result of the revision must be reported on Schedule H4 and included in the total for Line 21(a)(i) on the Detailed Summary Page in the committee’s next regular report. Further adjustments and transfers from the federal account may be necessary if additional federal receipts come in.

If an adjustment indicates that the federal account paid more than its share of allocable expenses, the PAC may transfer funds from the nonfederal account to make up for the excessive nonfederal payment. Such transfers, however, may only be made within 60 days after the event. 106.6(d)(2). Transfers from the nonfederal account are itemized on a Schedule H3 and included in the total for Line 18(a) on the Detailed Summary Page.

7. Allocating Costs of Fundraising for Candidates
This section explains how to allocate the costs of a direct candidate support activity that raises money for both federal and nonfederal candidates. The explanation is based on the following scenario:

EXAMPLE: Each election year Hapworth PAC, an SSF with separate federal and nonfederal accounts, sponsors a fundraising dinner-dance to benefit federal and nonfederal candidates in a particular state.

In 2008, the PAC plans to use the event to raise money for five candidates—a Senate candidate, a House candidate and three candidates for the state legislature. In past election years the committee has raised about $5,000 for all participating candidates, and the committee has customarily divided the proceeds evenly between the federal and the nonfederal candidates. In 2008, Hapworth PAC expects the two federal candidates to split half the proceeds, while the three state candidates will evenly divide the other half.

The total cost of the event is expected to be $1,000. The costs are in-kind contributions to the candidates.

Required Forms
- Schedule B: Itemized Disbursements
- Schedule H2: Allocation Ratios
- Schedule H3: Transfers from Nonfederal to Federal Account
- Schedule H4: Disbursements for Allocated Activity

Unique Identifier
Every allocable direct candidate support activity must be assigned a unique identifying name or code. On Schedule H2, Hapworth PAC uses “Dinner-Dance 2008” as the event’s unique identifier. When referring to the dinner-dance in subsequent schedules and reports, the committee must continue to use “Dinner-Dance 2008.” 104.10(a)(1).

Allocation Ratio
Because the dinner-dance is a fundraising event for candidates, the committee allocates the $1,000 expected total costs according to the “funds received ratio” (i.e., funds received by federal candidates compared with funds received by all candidates).
Since Hapworth PAC expects that half the proceeds will go to federal candidates and half to nonfederal candidates, the funds received ratio is 50/50. Expressing this ratio in percentages, Hapworth PAC enters 50 percent federal and 50 percent nonfederal in the appropriate spaces on Schedule H2. 106.1(a)(1). To indicate the purpose of the event, the committee checks the “Direct Candidate Support” box.

**Payments**

Hapworth PAC pays the bills for the event from its federal account (or separate allocation account) and reports the payments on Schedule H4. (See illustration.) Because the payments are in-kind contributions, the federal share of the costs is cross-referenced to an entry on Schedule B for Line 23 and included in the total figure for Line 23 (Total Contributions to Federal Candidates) on the Detailed Summary Page.

On each page, the committee uses “Dinner-Dance 2008” (the unique identifier) as the name of the event. 104.10(a)(1). The “event year-to-date” figure represents the aggregate amount spent on the dinner-dance (to all payees) as of the date of payment. An illustration is provided here.

**Transfer of Funds**

To cover the nonfederal share of the costs of the dinner-dance, Hapworth PAC transfers $500.00 from the nonfederal account to the federal account. The amount transferred is one half of the $1,000.00 total payments for the ballroom. The transfer is made within the 70-day window described in Section 3 (page 99). 106.6(e)(2)(ii)(B).

Hapworth PAC reports the receipt of the transfer on Schedule H3, as illustrated here. The amount is also included on Line 18(a) of the Detailed Summary Page.

**Adjustments**

At a later date, Hapworth PAC may have to adjust the allocation ratio for the event if the federal candidates receive a different proportion of the actual funds raised than was originally reported on Schedule H2. The adjusted allocation ratio must be reported on a new Schedule H2 filed with the next report.

As a result of adjusting the allocation ratio, the nonfederal share of the payments for the event may be less than the nonfederal account originally paid. In that case, the federal account must reimburse the nonfederal account for its excessive payments and report the reimbursement on Schedule H4. The reimbursement must also be included in the Line 23 total on the Detailed Summary Page and itemized on Schedule B. 106.6(d)(2).

On each page, the committee uses “Dinner-Dance 2008” (the unique identifier) as the name of the event. 104.10(a)(1). The “event year-to-date” figure represents the aggregate amount spent on the dinner-dance (to all payees) as of the date of payment.

### 8. Allocating Costs of Public Communications and Voter Drives

When a committee makes a public communication or conducts voter drive activity referring to both federal and nonfederal candidates, regardless of whether there is a reference to a political party, the costs must be allocated whether or not the activity qualifies as an in-kind contribution or an independent expenditure. This section’s explanation of the rules for allocating these costs is based on the following scenario:

**EXAMPLE:** Hapworth PAC, an SSF, maintains a separate nonfederal account for use in state and local elections. During the 2008 election year, Hapworth PAC plans to purchase several advertisements in local newspapers to urge voters to support four candidates: a candidate for governor, a candidate for state treasurer, a candidate for secretary of state and a candidate for the U.S. Senate. Equal space in the advertisements will be devoted to each candidate. The total cost for running the advertisements is $4,250.

**Required Forms**

- Schedule B: Itemized Disbursements (if communications are in-kind contributions)
- Schedule E: Itemized Independent Expenditures (if communications qualify)
- Schedule H2: Allocation Ratios
- Schedule H3: Transfers from Nonfederal to Federal Account
- Schedule H4: Disbursements for Allocated Activity

---

**Appendices**

103
Unique Identifier

Every direct candidate support activity must be assigned a unique identifying name or code. On Schedule H2, Hapworth PAC lists “Newspaper Campaign ‘08” as the unique identifier for the activity. The committee will use “Newspaper Campaign ‘08” to refer to the advertisements in all future reports. 104.10(a)(1).

Allocation Ratio

Because “Newspaper Campaign ’08” is a public communication that refers to both a clearly identified federal and a nonfederal candidate, the committee uses a “time and space ratio” to allocate the $4,250 total expected cost on Schedule H2. 106.6(f)(3)(i). In this case, the ratio of space devoted to federal candidates to space used for all candidates is 1/4. (The committee would base its allocation on time if the advertisements were broadcast.)

Expressing the allocation ratio in percentages, Hapworth PAC enters 25 percent federal and 75 percent nonfederal in the appropriate spaces on Schedule H2, as illustrated above.

Payments

Hapworth PAC makes all allocable payments from its federal account (or separate allocation account) and itemizes them on Schedule H4, as illustrated. Because the payments are independent expenditures, the federal share is itemized on Schedule E and included in the total figure for Line 24 (Independent Expenditures) of the Detailed Summary Page.

The “event year-to-date” figure represents the aggregate amount paid to all payees for “Newspaper Campaign ‘08” as of the date of payment. An illustration is provided at the right.

Transfer of Funds

The nonfederal share is 3/4 of the $4,250 total cost. The committee transfers $3,187.50 from the nonfederal account to the federal account. The transfer is made during the permissible 70-day window, as described in Section 3. 106.6(e)(2)(iii)(B).

Hapworth PAC reports the receipt of the transfer on Schedule H3, as illustrated above. The amount is also included on Line 18(a) of the Detailed Summary Page.
B. Twice-Yearly Solicitations

Twice a year, a corporation or labor organization and its separate segregated fund (SSF) may expand its solicitation to include certain individuals outside its restricted class. Outlined below are guidelines for conducting a twice-yearly solicitation.

I. Who May Be Solicited Twice Yearly

By Corporations: Nonmanagerial Personnel

Twice a year, a corporation (or its SSF) may solicit all its employees, including those not considered executive and administrative personnel and employees represented by labor organizations. The families of employees may also be included in a twice-yearly solicitation. 114.6(a).

Employees whose wages are not subject to income tax withholding, however, may not be solicited under this provision (or under the regular provision for soliciting executive and administrative personnel). See 114.1(c)(3). See also AO 1999-20.

By Labor Organizations: Nonmembers

Twice a year, a labor organization (or its SSF) may solicit all employees of a corporation that employs members of the labor organization. Included are:

- Executive and administrative personnel of the corporation;
- Workers who are not represented by the labor organization;
- Employees of subsidiaries and other affiliated corporations;
- The corporation’s stockholders;
- All the employees of the labor organization; and
- The families of all those listed above.

114.5(g)(2) and 114.6(b); AOs 1990–25 and 1979–50.

2. Custodial Arrangement

Before conducting a twice-yearly solicitation, the connected organization or SSF must appoint a custodian to receive contributions. The custodial arrangement preserves the anonymity of individuals who do not wish to contribute or who contribute only small amounts. 114.6(d).

Appointment of Custodian

For SSFs established by corporations, the custodian may not be a stockholder, officer or employee of the corporation or its SSF. In the case of labor organizations, the custodian may not be an officer, employee or member of the union or its SSF. 114.6(d)(1): Exception: An individual employed as the SSF treasurer may be the custodian provided that he or she:

- Preserves the anonymity of contributors as required;
- Does not participate in the SSF’s decisions regarding making contributions and expenditures; and
- Continues to fulfill the regular duties of the committee treasurer. 114.6(d)(5).

Custodial Duties

The custodian of an SSF is responsible for the following duties:

Collecting Contributions

See “Collection Methods” below.

Transmittal of Contributions

The custodian must deposit all contributions within 10 days of receipt in a separate, custodial bank account. Periodically, the custodian must withdraw funds contained in the custodial account and forward them by check to the SSF’s account. Contributions that appear to be illegal must be treated as described on page 27. 114.6(d)(2)(i), (iii) and (iv).

Information to the SSF

The custodian must provide the SSF with the necessary recordkeeping information identifying those who make individual contributions exceeding $50 or whose aggregate contributions exceed $200. (See Chapter 5.) This information must be provided to the SSF in time for it to include the contributions in its next report. Apart from this, the only information the custodian may provide to the SSF or connected organization is the total number...
of contributions received. The custodian may not reveal any information on noncontributors or small contributions of $50 or less.\(^2\) \(114.6(d)(2)(ii)\) and \(3\).

**Information to the Custodian**

In order to accurately keep records on each donor’s aggregate contributions, the custodian needs a list of previous contributors and the year-to-date total of each one’s contributions to the SSF. \(114.6(d)(4)\).

### 3. Collection Methods

**Written Solicitations**

Twice-yearly solicitations must be made in writing and mailed to the solicitee’s residence. The mailing must inform the solicitee of the right to refuse to contribute without reprisal and of the political purpose of the SSF. Twice-yearly solicitations must, additionally, notify the recipients of the custodial arrangement (described above). The return address on the solicitation (or enclosed return envelope) must be the custodian’s address. Furthermore, the written solicitation must note that the organization will preserve the anonymity of:

- Those who do not contribute;
- Those who make a single contribution of $50 or less; and
- Those who make multiple contributions aggregating $200 or less. \(114.5(a)(5)\) and \(114.6(c)\).

**No Payroll Deduction**

Corporations and labor organizations may not use payroll deduction for twice-yearly solicitations. \(114.6(e)(1)\).

### 4. Requirements for Corporations

**Notification to Labor Organization**

A corporation must notify a labor organization representing any of the corporation’s employees (or employees of its subsidiaries, branches, divisions or affiliates) of its intention to conduct a twice-yearly solicitation. This must be done within a reasonable time so that the labor organization, if it wishes, may also make a twice-yearly solicitation at that time. \(114.6(e)(4)\).

**Availability of Method to Labor Organization**

A corporation must make available to the labor organization the method it uses for soliciting and collecting contributions. However, if the corporation does not wish to disclose the names and addresses of its employees and stockholders, it may give a mailing list to an independent mailing service which will conduct the mailing for both the labor organization and the corporation. \(114.6(e)(3)\).

Note that if the corporation does not use the twice-yearly provision, it is not required to provide the labor organization with a solicitation method for the labor organization’s twice-yearly solicitations or with any names and addresses. \(114.6(e)(3)(iii)\).

### 5. Requirements for Labor Organizations

When more than one labor organization represents the employees of a corporation and its subsidiaries, the unions share a limit of two solicitations of nonmembers per year. (There is no limit on the number of solicitations each union makes of its own members.)

The unions may conduct twice-yearly solicitations independently, or they may participate in a joint solicitation mailing.

A combined mailing may contain requests for contributions to each participating union’s SSF. \(114.6(e)(5)\).
C. Solicitations by Trade Associations

In addition to soliciting noncorporate members and its own personnel, a trade association may solicit the restricted class of member corporations (i.e., their executive and administrative personnel, stockholders and the families of both groups). Solicitation of a corporate member’s restricted class is a two-step process. First, the trade association obtains the corporate member’s written approval for solicitation; second, the association conducts the solicitation.

1. Request for Corporate Approval

Required Information

A trade association must make a written request to the member corporation for permission to solicit the member’s restricted class. (The request may be sent to the corporate representative with whom the association normally conducts its activities.) This request for approval must inform the member corporation that:

- Corporate approval is necessary before the trade association or its SSF may conduct a solicitation; and
- The corporation may not approve solicitations by another trade association for the same calendar year. 114.8(d)(3).

Optional Information

The trade association may enclose a copy of proposed solicitation materials in its request for approval. Moreover, the trade association may note that it intends to limit the scope of the solicitation (e.g., to just executive and administrative personnel but not stockholders). 114.8(d)(3) and (5).

Publication in Association’s Magazine

A trade association may publish in its internal magazine or newsletter a form for obtaining solicitation approval from corporate members. The form must include the required information described above, and the form’s wording must be sufficiently specific so as not to be considered a solicitation for contributions. AOs 1981–41 and 1980–65. (See page 23 for rules about solicitations in internal publications.)

Request Made at Convention

At its convention, annual meeting or similar event, a trade association may request solicitation approvals from corporate members and may set up a booth for this purpose. The requests must be in writing (e.g., handout forms), must include the required information and may not contain a solicitation for contributions. The trade association may also receive written solicitation approvals at the convention as long as they are signed by persons authorized by the corporations to make such approvals. AOs 1981–41, 1978–83 and 1978–17. (Solicitations conducted at conventions are discussed in Section 4.)

2. Approval by Corporate Member

Written Approval

Before a trade association may solicit the restricted class of one of its corporate members, the association must obtain written authorization from the member corporation. The member must designate the calendar year for which the solicitations are authorized; the authorization automatically expires on December 31 of the designated year.

There is no limit on the number of companies from which a trade association can obtain solicitation approvals. In a particular calendar year; however, a corporation may authorize only one trade association to solicit its restricted class. 114.8(d).

Approval Extended to Affiliated Nonconnected PAC

Any solicitation approval granted by a corporate member of a trade association also covers solicitations from a nonconnected PAC affiliated with the trade association’s SSF. AO 1996-38.

Approval Using the Internet and the Web

The Commission approved a proposal whereby a trade association distributed a "permission to
solicit” form to its members on the Internet and on a members-only web site. The Commission’s conclusion was based on the determination that the “permission to solicit” form did not otherwise constitute a solicitation. AO 2000-10.

Use of Electronic Signatures

In another advisory opinion, the Commission advised that a trade association PAC could accept corporate members’ electronic signatures as written authorization to solicit the restricted class of their corporate members. The trade association could obtain the electronic authorization through e-mail or its web site. In either case, the trade association had to verify that:

- The permission-to-solicit forms were available only to authorized corporate representatives; and
- Each electronic signature came from the corporate representative.

Furthermore, a copy of the electronic approval had to be maintained, in a readily available form, for three years. AO 2000-22.

Multiple-Year Approvals

A member corporation may grant its approval for several years in advance; however, the company must provide the trade association with a separate approval for each year. For example, a trade association could ask a member corporation to approve solicitations for five consecutive years. The corporation would have to submit a signed statement for each year approved; the five statements and signatures could appear on one form or on five separate forms. 114.8(d)(1) and (4); AO 1984-61.

Corporate approval of trade association solicitations in no way limits the corporation’s right to solicit contributions for its own SSF. 114.8(e)(2).

Content of Approval

Scope

A corporation’s authorization may limit the scope of the solicitations to particular members of the restricted class (for example, limit it to stockholders). 114.8(d)(5). Note that trade associations may not solicit persons outside of the member corporation’s restricted class.

Frequency

The corporate approval may also limit the number of times solicitations may take place during the calendar year. Unless otherwise specified in the approval, the trade association may conduct unlimited solicitations. 114.8(e)(1).

Records

The trade association must retain a copy of the written approval for three years after the year to which the approval applies. 114.8(d)(2).

3. Who May Be Solicited

Parent Corporation

If a parent corporation is a member of the trade association but its subsidiaries are not, then the trade association may solicit (with prior approval) the restricted class of only the parent. 114.8(f).

Subsidiary Corporation

Likewise, if a subsidiary corporation is a member of the trade association but the parent is not, then the trade association may (with prior approval) solicit the restricted class of the subsidiary only; the parent’s restricted class is not solicitable. 114.8(f).

Nonstock Corporation

A trade association may (with prior approval) solicit the individual members of a member non-stock corporation, only if the individual members have rights and interests that correspond closely to those of stockholders. AO 2000-4, 1999-16 and 1999-15.

4. Solicitations at Convention

A trade association’s convention or annual meeting may be the site of impermissible solicitations if the association inadvertently solicits executive and administrative personnel of corporations that have not given prior solicitation approval. To avoid making inadvertent unlawful solicitations at such conventions or meetings, trade associations should observe the following guidelines, based on several advisory opinions.

Permissible Solicitations

A trade association may solicit SSF contributions from a booth at a convention, provided that:
• The booth is not publicized prior to the convention;
• The booth’s signs inform contributors of the solicitation restrictions;
• The trade association maintains a list of corporate members that have approved solicitations for the current year; and
• Funds are not accepted from individuals who are not solicitable.


**Impermissible Solicitations**

An impermissible solicitation will occur, even if unintended, when a trade association provides information to employees (of a corporation that has not given its solicitation approval) on how to contribute to its SSF or when it encourages support of the SSF. AOs 1979–66 and 1979–13.

*EXAMPLES:* A pre-convention mailing that mentions an SSF fundraising event or a booth is a solicitation. A convention sign saying “Ask Us for Information About the PAC Fundraiser” or informing attendees about a fundraising booth is also a solicitation. AOs 1976–96 and 1976–27.

**Other Permissible Activities**

Simply requesting a corporate member’s approval for solicitations is not a solicitation for contributions. AO 1981–41. Moreover, providing merely factual, historical or statistical information on the SSF, or explaining the legal requirements which apply to its activities, is not a solicitation. See “What Is Not a Solicitation” on page 24.

**5. Member-Provided Assistance**

**Donations from Members**

A trade association may solicit and accept donations of money, goods or services from its members to defray the operating, administrative and solicitation expenses of the association’s SSF. Donations for these purposes (such as a raffle, door or lottery prize) are not contributions as long as the donor qualifies as a member of the association. See “Definition of Member,” page 23, and “Operating Costs” page 8. See also AOs 1995–28, 1995-17, 1989-18 and 1980-59. Note, however, that when goods or services are donated for an SSF fundraising event, the SSF must apply the “one-third rule” and reimburse the connected organization if the donated items are disproportionately valuable in comparison with the amount raised by the event. See “Reimbursement,” page 26. See also AOs 1995-17 and 1989-18.

Funds received for an SSF’s administrative, operating or solicitation expenses must be kept in a separate account from the SSF contributions. AO 1981-19.

**Donations from Nonmembers**

If a trade association receives an unsolicited donation, to cover the SSF’s administrative and solicitation expenses, from an individual who is not a member of the trade association, that donation is a contribution to the SSF and is subject to the donor’s $5,000 annual limit. Because goods and services donated by nonmember individuals are in-kind contributions, they are not subject to the reimbursement rules discussed above. Similar contributions by nonmember corporations are prohibited. AOs 1995-17 and 1989-18, n. 4.

**Payroll Deduction**

A corporate member of a trade association may use a payroll deduction or checkoff plan as part of providing incidental services to collect and forward contributions to a trade association’s SSF. A corporation using a payroll deduction must allow a labor organization representing any of the corporation’s employees (or employees of its subsidiaries, branches, divisions or affiliates) to also use payroll deduction. 114.8(e)(3).

**6. Trade Association Federations**

A federation of trade associations may also establish a separate segregated fund. The federation may solicit SSF contributions from the restricted class of a member corporation of a trade association that is a member of the federation, as explained below.

**Definition**

A trade association federation is an organization representing trade associations involved in the same or allied line of commerce. 114.8(g)(1). As examples, in advisory opinions the Commission has ruled that an organization of affiliated trial lawyers’ associations
was a trade association federation, while a statewide Chamber of Commerce was not. AOs 1985–37 and 1977–44.

**Affiliation and Solicitation**

When a federation and its regional, state or local associations are affiliated, their respective SSFs are also affiliated and are treated as one political committee for purposes of the contribution limits. Affiliation is based on the relationship between the organizations, analyzed in terms of the circumstances indicating affiliation on page 5. 114.8(g)(1). See also AO 1995-12. Local corporate members or state leagues may also act as collecting agents for the SSF of an affiliated organization. AO 1998-19.

**Joint and Delegated Solicitations**

A federation’s SSF and a member association’s SSF may also engage in joint solicitations. In addition, a member association may delegate its solicitation rights to the federation. 114.7(k)(1) and 114.8(g)(1)(i) and (ii).
D. Earmarked Contributions

An earmarked contribution is one which the contributor directs (either orally or in writing) to, or spends on behalf of, a clearly identified candidate or candidate’s committee through an intermediary or conduit. Earmarking may take the form of a designation, instruction or encumbrance and may be direct or indirect, express or implied. 110.6(b)(1).

1. Conduits

Who Is a Conduit

Anyone who receives and forwards an earmarked contribution to a candidate committee is considered a conduit or intermediary. 110.6(b)(2). (The terms “conduit” and “intermediary” are interchangeable; “conduit” will be used in the remainder of this appendix.)

Individuals, political committees, unregistered PACs and partnerships may act as conduits for earmarked contributions.

Persons Not Considered Conduits

For the purposes of the earmarking rules, certain individuals and organizations are not considered conduits even though they may participate in activities to raise money for a candidate. These persons include:

- An employee or full-time volunteer working for a candidate committee;
- An individual who occupies a significant position in a candidate’s campaign and who is expressly authorized to raise money on behalf of the candidate;
- A committee affiliated with the candidate committee; and
- A commercial fundraising firm retained by the candidate committee. 110.6(b)(2)(i).

Prohibitions Apply

No corporation, labor organization or other entity prohibited from making contributions in connection with federal elections may act as a conduit for an earmarked contribution. A separate segregated fund, however, may act as a conduit. 110.6(b)(2)(ii); 114.3(c)(2)(ii).

Furthermore, no individual may receive a contribution on behalf of a candidate (as a conduit or otherwise) while acting as the representative of a corporation, labor organization or other entity prohibited from making contributions. 110.6(b)(2)(i)(A) and (E). See also AOs 2004-19 and 1986–4.

2. Contribution Limits

Contributor’s Limit

An earmarked contribution counts against the contributor’s contribution limit for the recipient candidate. 110.6(a).

Conduit’s Limit

Direction or Control

The conduit’s contribution limit is affected when the conduit exercises direction or control over the contributor’s choice of the recipient candidate. In that case, the full amount of the contribution counts against the limits of both the original contributor and the conduit, even though the candidate receives only one check. For examples of how the Commission has viewed the “direction or control” rule in specific situations, see AOs 2003-23, 1986–4, 1981–57 and 1980–46.

Solicited Earmarked Contributions

Note that if a committee, when making a solicitation, requests the contributor to earmark the funds for a specific candidate, the cost of the solicitation incurred by the committee is an in-kind contribution to the candidate, subject to the contribution limits. AO 1980–46.

Effect on Unregistered Organization

An unregistered organization acting as a conduit should be aware that conduit activity could result in a contribution by the organization, under the circumstances described above. In such a case, the activity may trigger registration requirements for the unregistered organization.
3. Forwarding Earmarked Contributions

10-Day Limit
The SSF must forward an earmarked contribution, along with a report (see below), to the recipient candidate committee within 10 days of receiving the contribution. 102.8(a) and (c); 110.6(c)(1)(iii).

Transmittal Report
Along with the funds, the conduit must also forward to the recipient candidate committee a transmittal report containing information that the candidate’s campaign committee will need for its own records and reports. 110.6(c)(1).

Contributions Exceeding $50
When an earmarked contribution exceeds $50, the accompanying report must contain the name and address of the original contributor, the date the contribution was received by the conduit and the amount. 102.8(b) and 110.6(c)(1)(iv). The report should also state the election designated by the contributor, if any. 110.1(b)(3)(i).

Contributions Exceeding $200
When an earmarked contribution exceeds $200, the accompanying report must contain the full name and address of the contributor, the contributor’s occupation and employer, the date the contribution was received by the conduit and the amount. 102.8(b) and 110.6(c)(1)(iv). The report should also state the election designated by the contributor, if any. 110.1(b)(3)(i).

4. Reporting Conduit Activity
The conduit must comply with special reporting rules, which vary depending on whether the contribution was deposited in the conduit’s bank account or was passed on directly to the campaign in the form of the original contributor’s check. 110.6(c)(1)(v).

Report Filed with the Government

Separate Segregated Fund
A conduit SSF must disclose its activity on its next regularly scheduled FEC report. 110.6(c)(1)(ii).

Unregistered Entity
An individual or other unregistered entity acting as a conduit must disclose the activity in a letter to the FEC within 30 days after forwarding the earmarked contribution. 110.6(c)(1)(ii).

The letter should contain all the information listed below for SSF conduits.

Contributions Deposited in SSF’s Account

Schedule A
If an earmarked contribution passes through an SSF’s account, the committee reports the following information on Schedule A:

• The name and mailing address of each person making an earmarked contribution (including earmarked contributions of $200 or less) (110.6(c)(1)(iv)(A));
• The occupation and employer of each individual making an earmarked contribution exceeding $200 (110.6(c)(1)(iv)(A));
• The candidate designated by the contributor as the recipient of the contribution (110.6(c)(1)(iv)(B));
• The election for which the contribution was designated, if any (see 110.1(b)(3)(i));
• The amount of the earmarked contribution (110.6(c)(1)(iv)(B)); and
• The date the contribution was received by the conduit (110.6(c)(1)(iv)(B)).

Schedule B
Once the SSF has forwarded the contribution to the candidate (after depositing it in its own account), the committee reports on Schedule B:

• The candidate designated by the contributor (110.6(c)(1)(iv)(B));
• The date the contribution was forwarded (110.6(c)(1)(iv)(C));
• The amount forwarded to the candidate (110.6(c)(1)(iv)(B));
• The election designated by the contributor, if any (see 110.1(b)(3)(i));
• The name of the contributor (110.6(c)(1)(iv)(A));
• A notation that the contribution was forwarded in the form of a check drawn on the conduit’s account (110.6(c)(1)(iv)(C)); and
• A statement indicating that the conduit’s limit was also affected, if appropriate (110.6(d)(2)).
Earmarked Contributions

5. Earmarking Via Payroll Deduction

A member of the restricted class who contributes to the SSF through a payroll deduction program may subsequently earmark those contributions for specific candidates. The information in this section is based on AOs 1995-15 and 1991-29, in which the Commission ruled on programs designed for subsequent earmarking of payroll deductions. See also “Earmarked Contributions” on page 31.

Obtaining Designation and Forwarding the Contribution

The SSF must obtain a signed and dated statement from each contributor designating the particular candidate to receive the contribution, and the amount to be forwarded. Contributors should also designate the election in which they are contributing. The SSF must forward the earmarked contributions to the named candidate within 10 days of the designation of the funds.

Ledger Accounts

The SSF must keep a ledger account of each individual’s payroll deduction contributions. In the case of a program set up for earmarking after the deduction is made, this assures that the funds will not be used until the contributor designates them for a specific candidate. In one program (AO 1995-15), funds that were left undesignated past the deadline set for designation were available for use by the SSF.

Reporting

The committee must report all funds collected through payroll deduction as contributions to the SSF, regardless of whether contributors will have the later option of earmarking them for specified candidates.

Undeposited Contributions

If the SSF forwards the contribution without depositing it first (i.e., the transfer is in the form of the contributor’s original check), the committee must itemize the same information listed above in memo entries on Schedules A and B. 110.6(c)(1)(v). The entries should indicate that the contribution was passed on in the form of the contributor’s original check and, if appropriate, should indicate that the conduit’s limits for that candidate were affected. 110.6(d)(2).
When contributors subsequently designate candidates to receive funds from their ledger accounts, the SSF should report the designations as memo entries on Schedule A. (See “Contributions Deposited in SSF’s Account,” above.) The entries must also indicate that the funds were collected through payroll deduction.

The SSF must report the amount forwarded to the candidate on Schedule B (See “Contributions Deposited in SSF’s Account,” above), including a notation that it was an *earmarked contribution*. 
Contributions from Partnerships/LLCs

E. Contributions from Partnerships/LLCs

Outlined below are special rules concerning contributions received by SSFs from partnerships. This section may be relevant to membership organizations whose members include partnerships or LLCs that are treated as partnerships for tax purposes. 110.1(e) and 110.1(g).

1. Contribution Limits

Contributions received by an SSF from a partnership may not exceed $5,000 per year. 110.1(d). A contribution from a partnership also counts proportionately against each contributing partner’s $5,000 per year limit for the same political committee. 110.1(e) and (g)(2).

Note, however, that certain partnerships and partners may be prohibited from contributing. See “Prohibited Partnership/LLC Contributions,” below.

2. Attribution Among Partners

Formula

A portion of the partnership contribution must be attributed to each contributing partner. If all partners within the organization are contributing, the partnership may attribute the contribution according to each partner’s share of the firm’s profits. However, if the partnership attributes a contribution on another basis agreed to by the partners, or if it attributes contributions only to certain partners, the following rules must be observed:

- The contributing partners’ profits must be reduced (or their losses increased) by the amount of the contribution attributed to them; and
- The profits (or losses) of only the contributing partners must be affected.

3. Prohibited Partnership/LLC Contributions

Professional Corporations

Although law firms, doctors’ practices and similar groups are often organized as partnerships, some of these groups may instead be professional corporations. Unlike a partnership, a professional corporation is prohibited from making any contributions because contributions from corporations are unlawful. 114.2(b). See also 114.7(d).

Partnerships with Corporate Members

Because contributions from corporations are prohibited, a partnership or an LLC with corporate members may not attribute any portion of a contribution to the corporate partners. 110.1(e), 110.1(g)(2) and 114.2(b).

A partnership or LLC composed solely of corporate partners may not make any contributions. AO 1981–56.

Whatever the attribution, the portion attributed to each partner must not, when aggregated with other contributions from that person, exceed his or her contribution limit. 110.1(e).

Notice to Recipient Committee

Because a contribution from a partnership is a joint contribution, the partnership must provide to the recipient committee, along with the contribution, a written notice listing the names of the contributing partners and the amount to be attributed to each (unless the contribution is attributed equally among the partners). However, unlike other joint contributions, the signature of each contributing partner is not required. 110.1(g)(5), (k)(1) and (2).

---

3 For more information on contributions from limited liability companies, see Chapter 1, Section 13 and Chapter 2, Section 2.

4 A portion of a contribution drawn on a partnership account may not be attributed to the spouse of a partner unless the spouse is also a member of the partnership. AO 1980-67.

5 However, an individual member of a professional corporation may contribute a check drawn on his or her nonpayable corporate drawing account since the check represents a contribution from the individual rather than the corporation. See 102.6(c)(3).
Partnerships or LLCs with Foreign National Members

Similarly, because contributions from foreign nationals are prohibited, a partnership may not attribute any portion of a contribution to a partner who is a foreign national. 110.20(b).

Partnerships or LLCs with Federal Government Contracts

A partnership or LLC that is negotiating a contract with the federal government or that has not completed performance of such a contract is prohibited from making contributions. However, an individual partner in such a firm may make contributions from personal funds (rather than from funds drawn on the partnership’s account). 115.4. See also AO 1991–1.

4. Reporting Partnership/LLC Contributions

Included in Total Figure

Partnership contributions are included in the total figure reported for “contributions from individuals/persons other than political committees” on the Detailed Summary Page of Form 3X (Line 11(a)(iii)).

Itemization

If a single partnership/LLC contribution exceeds $200, or if several contributions by the same partnership/LLC aggregate over $200 during a calendar year, the committee must itemize the contribution on a Schedule A used for “Contributions from Individuals/Persons Other Than Political Committees” (Line 11(a)(i)).

Additionally, if an individual partner’s share of the contribution exceeds $200 when combined with other contributions received from that partner in the same calendar year, the committee must disclose, as a memo entry, itemized information on the partner (name, address, occupation, date contribution received, partner’s share of contribution and aggregate year-to-date total of contributions made by that partner). 104.8(a) and (b).

In-Kind Contributions

A committee reports the value of an itemized in-kind contribution received from a partnership or LLC on Schedule A in the same way it reports an itemized monetary contribution on Schedule A. Moreover, an in-kind contribution itemized on Schedule A must also be itemized on a Schedule B for operating expenditures. 104.13(a) and (b). However, any information about a partner itemized as a memo entry on Schedule A does not have to be reported on Schedule B.
F. Compliance with Other Laws

In addition to complying with the Federal Election Campaign Act, SSFs must observe laws and rules outside the Commission’s jurisdiction.

1. Tax Laws

SSFs should be aware that they have to comply with federal and state laws on income tax. For information on federal tax laws, contact the Internal Revenue Service, Washington, DC 20224, Attention: E:EO (202/622-8100 or 1-877/829-5500) or on line at www.irs.gov/polargs.

Committees that need to obtain a taxpayer ID number should call 1-800/TAX-FORM for information. Each regional IRS office also has a toll-free number; consult your telephone directory for the number in your state. SSFs should also consult the appropriate state agency for information on state income tax laws.

2. Communications Act

For information on rules concerning rates for purchasing broadcast time, equal access to broadcast media and procedures for filing complaints in this area, contact the Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554 (202/418-1440) or online at www.fcc.gov/mb/policy/political/.

3. Hatch Act

For information on the Hatch Act, which regulates political activity by federal employees, contact the Office of Special Counsel, 1730 M Street, NW, Washington, DC 20036 (1-800/854-2824 or 202/254-3650), or online at www.osc.gov/hatchact.htm.
G. Definitions

Words and phrases found in italics throughout this book are defined below.


**Administrative Expenses** — The costs of operating a separate segregated fund, including salaries, rent and supplies, and other operating costs. 114.1(b).

**Advisory Opinion (AO)** — A formal ruling from the Commission regarding the legality of a specific activity proposed in an advisory opinion request (AOR). Part 112. For information on requesting an AO, see page i.

**Affiliated** — Established, financed, maintained or controlled by the same organization. Affiliated political committees are considered one political committee for purposes of contribution limits. 100.5(g); 110.3(a).

**Authorized Committee** — See Candidate Committee.

**Bank** — A state bank; a federally chartered depository institution (including a national bank); or a depository institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. 100.82(a) through (d); 100.142(a) through (d); 103.2.

**Campaign-Related Activity** — Activity that involves soliciting, making or accepting contributions to the candidate’s campaign or communications expressly advocating the nomination, election or defeat of any candidate. Note, though, that the absence of solicitation and express advocacy does not preclude the determination that the event is campaign related. AOs 1996-11, 1994-15, 1992-6 and 1988-27.

**Candidate** — An individual seeking nomination or election to federal office becomes a candidate when he or she and agents acting on his or her behalf raise contributions or make expenditures that exceed $5,000. 100.3.

**Candidate Committee** — A principal campaign committee or any other political committee authorized in writing by a federal candidate to receive contributions and make expenditures on his or her behalf. 100.5(f)(1). The Act and FEC regulations refer to candidate committees as “authorized committees.”

**Clearly Identified Candidate** — A candidate is clearly identified when his or her name or picture appears in a communication or when his or her identity is apparent by unambiguous reference. 100.17; 106.1(d); 109.1(b)(3).

**Collecting Agent** — An organization that collects and transmits contributions to a separate segregated fund (SSF). A collecting agent may be the SSF’s connected organization or an organization or committee affiliated with the SSF. 102.6(b)(1).

**Commercial Vendor** — Any persons providing goods or services to a candidate or political committee whose usual and normal business involves the sale, rental, lease or provision of those goods or services. 116.1(c).

**Connected Organization** — An organization that uses its treasury funds to establish, administer or solicit contributions to a separate segregated fund. 100.6.

**Contribution** — A payment, service or anything of value given to influence a federal election. 100.52(a).

**Coordinated** — Made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized committee or their agents or a political party committee or its agents. 109.20

**Coordinated Communication** — A communication that satisfies a three-prong test. 1) the communication must be paid for by a person other than a federal candidate, a candidate’s authorized committee or political party committee, or any agent of any of the foregoing; 2) one or more of the four content standards set forth in 11 CFR 109.21(c) must be satisfied; and 3) one or more of the five conduct standards set forth in 11 CFR 109.21(d) must be satisfied. A payment for a communication satisfying all three prongs is an in-kind contribution to the candidate or political party committee with which it was coordinated. 109.21.
Corporation – Any separately incorporated entity (other than a political committee that has incorporated for liability purposes only). 100.8(b)(4)(vi); 114.12(a). The term covers both for-profit businesses (including C and S corporations) and nonprofit incorporated organizations, as well as corporations without capital stock, incorporated membership associations, incorporated trade associations, incorporated cooperatives and professional corporations.

Delegate – An individual who is or seeks to become a delegate to a national nominating convention or to a state or local convention, caucus or primary held to select delegates to a national nominating convention. 110.14(b)(1).

Delegate Committee – A group organized for the purpose of influencing the selection of delegates. The term includes a group of delegates, a group of individuals seeking to become delegates and a group of individuals supporting delegates. 110.14(b)(2).

Direct Mail – A communication to the general public using either a commercial mailing firm or mailing lists purchased from a commercial vendor. 100.87(a), 100.89(a), 100.147(a) and 100.149(a).

Disbursement – Any purchase or payment made by a political committee.

Earmarked Contribution – A contribution that the contributor directs (either orally or in writing) to a clearly identified candidate or candidate committee through an intermediary or conduit. Earmarking may take the form of a designation, instruction or incumbrance and may be direct or indirect, implied or express. 110.6(b)(1).

Election – Any one of several processes by which an individual seeks nomination for election or election to federal office. They include: a primary election, including a caucus or convention that has authority to select a nominee; a general election; a runoff election; and a special election held to fill a vacant seat. 100.2.

Election Cycle – The period from the end of one general election for a given federal office to the end of the following general election for that office. The number of years in an election cycle differs according to the federal office sought. The election cycle spans:

- Two years for House candidates;
- Four years for Presidential candidates; and
- Six years for Senate candidates. See 100.3(b).

Election Year – A year in which there are regularly scheduled elections for federal office (i.e., even-numbered years).

Electioneering Communication – Any broadcast, cable or satellite communication that 1) refers to a clearly identified federal candidate, 2) is publicly distributed within 60 days of a general election or 30 days of a primary (or preference election, convention or caucus of a political party that has authority to nominate a candidate), and 3) is targeted to the relevant electorate, in the case of House and Senate candidates. 100.29(a).

Expenditure – A purchase or payment made in connection with or for the purpose of influencing a federal election. A written agreement to make an expenditure is considered an expenditure. 100.111(a); 100.112; 114.1(a).

Express Advocacy – Unambiguously advocating the election or defeat of a clearly identified federal candidate. There are two ways that a communication can be defined as express advocacy (candidate advocacy): by use of certain “explicit words of advocacy of election or defeat” and by the “reasonable person” test. 100.22.

“Explicit words of advocacy of election or defeat”: The following words convey a message of express advocacy (candidate advocacy):

- “Vote for the President,” “re-elect your Congressman,” “support the Democratic nominee,” “cast your ballot for the Republican challenger for the U.S. Senate in Georgia,” “Smith for Congress,” “Bill McKay in ‘96”;
- Words urging action with respect to candidates associated with a particular issue, e.g., “vote Pro-Life”/“vote Pro-Choice,” when accompanied by names or photographs of candidates identified as either supporting or opposing the issue;
Express Advocacy (cont.)

- “Defeat” accompanied by the name or photograph of the opposed candidate or “reject the incumbent”; and
- Campaign slogan(s) or word(s), e.g., on posters, bumper stickers and advertisements, that in context can have no other reasonable meaning than to support or oppose a clearly identified candidate, for example, “Nixon’s the One,” “Carter ’76,” “Reagan/Bush.”

“Only Reasonable Interpretation” Test: In the absence of such “explicit words of advocacy of election or defeat,” express advocacy (candidate advocacy) is found in a communication that, when taken as a whole and with limited reference to external events, can only be interpreted by a “reasonable person” as advocating the election or defeat of one or more clearly identified candidate(s). See page 33.

Facilitation

Facilitation is the use of corporate or labor organization resources or facilities to engage in fundraising activities in connection with any federal election (other than raising funds for the organization’s separate segregated fund). Facilitation results in a prohibited contribution to the committee that benefits from the activity. 114.2(f)(1).

Family

For the purposes of solicitation, a family includes a mother, father, sons and daughters who live in the same household.

Federal Office

Includes President, Vice President, Senator and the following members of the House of Representatives: Representative, Delegate (the District of Columbia, American Samoa, Guam, Virgin Islands) and Resident Commissioner (Puerto Rico).

Foreign National

A foreign national is either: (1) an individual who is not a citizen of the United States and has not been lawfully admitted to the U.S. for permanent residence, as defined in 8 U.S.C. §1101(a)(20); or (2) a foreign principal, as defined in 22 U.S.C. §611(b).

Government Contractor

A person who enters into a contract with any agency or department of the United States government and is paid for services, materials, equipment, supplies, land or buildings with funds appropriated by Congress. Part 115.

Host Committee

Any local organization (e.g., any local civic association, business league, chamber of commerce, real estate board, board of trade or convention bureau):

- That represents a state or city with respect to the convention;
- That is not organized for profit;
- Whose net earnings do not strengthen the benefit of any private shareholder or individual; and
- That has as its principal objective the encouragement of commerce in, and the promotion of a favorable image of, the convention city.

Independent Expenditure

An expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate and that is not made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or authorized committee or their agents, or a political party committee or its agents.

In-Kind Contribution

A contribution of goods, services or property offered free or at less than the usual and normal charge. The term also includes payments made on behalf of, but not directly to, candidates and political committees.

Joint Contribution

A contribution made by more than one person on a single check or other written instrument.

Labor Organization

An employee-representative membership association that deals with employers on grievances, labor disputes, wages, working conditions, etc.

Limited Liability Company (LLC)

A business entity that is recognized as a limited liability company under the laws of the State in which it is established. LLCs that are treated as partnerships under the IRS code may make contributions. LLCs that have publicly traded stock or are treated as corporations under the IRS code are prohibited from making contributions or expenditures.

Member

With respect to a labor organization, a trade association, a cooperative or other incorporated membership organization, a member is an individual or other entity that:

- Satisfies the requirements for membership in a membership organization;
Affirmatively accepts the organization’s invitation to become a member; and

Maintains a long-term and continuous bond with the organization by:

- Having a significant financial attachment, such as a significant investment or ownership stake;
- Paying annual dues; or
- Having direct participatory rights in the governance of the organization.

**Definitions**

**Membership Organization** – A labor organization or a trade association, cooperative or other incorporated membership organization that:

- Is composed of members;
- Expressly states the qualifications for membership in its articles and by-laws;
- Makes its articles, by-laws and other organizational documents available to its members;
- Expressly seeks members;
- Acknowledges the acceptance of membership, such as by sending membership cards to new members or including them on a membership newsletter list; and
- Is not organized primarily for the purpose of influencing a federal election.

100.8(b)(4)(iv)(A) and 114.1(e).

**Memo Entry** – Supplemental or explanatory information on a reporting schedule. The dollar amount of a memo entry is not included in the total figure for the schedule. A memo entry is often used to disclose additional information about an itemized transaction that is included in the total receipts or disbursements for the current report or a previous report.

**Multicandidate Committee** – A political committee that has been registered at least 6 months, has more than 50 contributors and, with the exception of state party committees, has made contributions to at least 5 candidates for federal office. 100.5(e)(3).

**MUR (Matter Under Review)** – An FEC enforcement action, initiated by a sworn complaint or by an internal administrative action.

**National Party Committees** – Political committees established and maintained by a national political party. A party’s national committee, House campaign committee and Senate campaign committee are defined as national party committees. 110.1(c)(2) 110.2(c)(2); 110.3(b)(2); 300.10(a); 300.11(a).
**Political Action Committee (PAC)** – Popular term for a *political committee* that is neither a *party committee* nor a *candidate committee*. PACs sponsored by a *corporation* or *labor organization* are called separate segregated funds (SSFs); PACs without a corporate or labor sponsor are called nonconnected committees.

**Political Committee** – An entity that meets one of the following conditions:

- Any separate segregated fund upon its establishment.
- A *state party committee* or nonparty committee, club, association or other group of persons that receives contributions or makes expenditures, either of which aggregate over $1,000 during a calendar year.
- A local unit of a *political party* that: (1) receives contributions aggregating over $5,000 during a calendar year; (2) makes contributions or expenditures aggregating over $1,000 during a calendar year; or (3) makes payments aggregating over $5,000 during a calendar year for exempt party activities.
- An authorized committee of a *candidate* (see *candidate committee*).

**Political Party** – An organization that nominates or selects a *candidate for election to federal office* whose name appears on the election ballot as the *candidate* of the organization.

**Principal Campaign Committee** – A committee authorized by the *candidate* as the principal committee of his or her campaign.

**Prohibited Funds** – Funds from entities who are prohibited from making contributions or expenditures in connection with, or for the purpose of influencing, a federal election (i.e., corporations, labor organizations, foreign nationals and federal government contractors). See Chapter 2.

**Public Communication** – A communication by means of any broadcast, cable or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing or telephone bank to the general public, Internet communications placed on another person’s web site for a fee or any other form of general public political advertising.

**Receipt** – Anything of value (money, goods, services or property) received by a *political committee*.

**Refunded Contribution** – A *contribution* is refunded when the recipient committee deposits the *contribution* and sends the contributor a check for the amount (or a portion) of the *contribution*. Compare with returned contribution.

**Restricted Class** – Those individuals within a *corporation* or *labor organization* who may be solicited for contributions to the organization’s separate segregated fund at any time and who may receive communications containing *express advocacy* from the organization. The restricted classes of different organizations are defined further in Chapter 3.

**Returned Contribution** – A *contribution* is returned when the recipient committee sends the original check (or other negotiable instrument) back to the contributor, without depositing it. Compare with definition of refunded contribution.

**Runoff Election** – An *election* held after a primary or a general election when no candidate wins the previous election.

**Separate Segregated Fund (SSF)** – A *political committee* established or financially supported by a *corporation* or *labor organization*; popularly called a *political action committee* or *PAC*.

**Special Election** – A primary, general or *runoff election* which is not a regularly scheduled election and which is held to fill a vacancy in the House of Representatives or Senate.

**State Party Committee** – A *political committee* which, by virtue of the bylaws of a *political party*, is responsible for the day-to-day operation of the party at the state level.

**Stockholder** – A person who has a vested beneficial interest in stock, the power to direct how that stock is voted (if it is voting stock) and the right to receive dividends.

**Terminating Committee** – A *political committee* that is winding down its activities in preparation for filing a termination report. A *terminating committee* has ceased to make or receive contributions (other than to receive contributions for debt retirement.
purposes) or make expenditures other than for payment of debts and obligations or for winding-down costs. 116.1(a).

**Trade Association** – A membership organization consisting of persons engaged in a similar or related line of commerce. A *trade association* is organized to promote and improve business conditions and does not engage in regular business for profit; the net earnings of a *trade association* do not accrue to the benefit of any *member*. 114.8(a).

**Trade Association Federation** – An organization representing trade associations involved in the same or allied line of commerce. 114.8(g).

**Transfer** – With regard to separate segregated funds, a payment by one committee to an *affiliated* committee. 102.6(a).

**Unauthorized Single-Candidate Committee** – A *political committee* not authorized by any *candidate*, which makes contributions or expenditures on behalf of only one *candidate*. 100.5(e)(2) and (f)(2).

**Usual and Normal Charge** – With regard to goods provided to a *political committee*, the term refers to the price of those goods in the market from which they ordinarily would have been purchased at the time they were provided. With regard to services, the term refers to the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered. 100.52(d).
Index

A
Accounting Services 15, 95
Administrative Expenses
allocation of 99
paid by connected organization 8
paid by member of trade association 109
Administrative Fines 46
Administrative Termination 74
Advisory Opinions i
AFL-CIO 7, 28
Airplane
candidate use of 94
Amendments (Statement of Organization) 3, 4
Anonymous Contributions 10
Appreciated Goods 55
Authorized Committee 118

B
Best Efforts 20, 43, 45, 54
Board of Directors
restricted class 20
Bounced Checks 57
Broadcasting Laws 117
Bylaws 6, 22, 122

C
Campaign-Related Activity 84, 118
Campaign Materials 78, 80, 83, 86
Candidate Appearances 81, 86
Candidates
clearly identified candidates 32, 77, 118
nonfederal 17, 63, 95
unopposed 12
Cash Contributions 29, 30, 42
Cash Disbursements 42
Cash on Hand 70, 71
Catering 92
Charity 26
Checks
abbreviated name of SSF 2
bounced checks 57
uncashed 61
undeposited 113
Citations i
Collateral 17
Combined Dues and Solicitation Payments 25
Commercial Vendor 73, 79, 80, 119
Commingling of Funds 15
Commissioned Employees 20
Communications Act 117
Conduit or Intermediary 16, 111
Connected Organization ii, 2, 3, 7, 8, 118
Consultant Services 80
Cooperatives i, 22, 119
Coordination 33, 77-81
Credit Cards 25
Credit Union Checks 43
Custodial Arrangement 105
Custodian of Records 4

D
Debates 35, 84
Delegate Committees 13, 119
Depository 18, 30, 42, 64, 118
Direct Mail 32, 33, 82
Disaffiliation 7
Disbursements 60-72
defined 121
Disclaimer Notices 20, 34, 37, 38
Discounts 16

F
Foreign Corporation 17
Foreign Nationals 16, 17, 28, 116, 120
Forms
Form 1 2-4
Form 1M 5-6
Form 3X 53
Form 5 36
Form 7 82
Form 8 51, 74
Form 9 36
Schedule A (Itemized Receipts) 54
Schedule B (Itemized Disbursements) 60
Schedule C (Loans) 67
Schedule C-1 (Loans from Lending Institutions) 67
Schedule E (Independent Expenditures) 64
Summary Pages 70
Free Publications ii
**G**
Generic Voter Drives 99
Get-Out-the-Vote Drives 88
GOTV 86, 88

**H**
Hatch Act 117
Host Committees 96

**I**
Identification Number 3
Immigrants 17
In-Kind Contributions 61, 120
Incorporation of SSF 8
Individual Volunteer Activity 91, 111
Internal Publications 107
Internal Revenue Service 8, 10, 37, 85, 117
Investment Income 64

**J**
Joint Contribution 10, 55
Joint SSFs 3

**L**
Labor Organizations 21
  corporate collection methods 26
Legal and Accounting Services 12, 15, 95
Letterhead
  abbreviated SSF name on 2
  multicandidate notice printed on 5, 31
Liability
  corporate/labor officer’s 16
  treasurer’s 1
Loans 17, 67

**M**
Mail
  used for SSF solicitations 23
  used for twice-yearly solicitations 106
Media Coverage 82, 85
Meeting Rooms, Use of iv, 93
Members 21, 120
Membership Organization 21, 121
Memo Entries 57, 121

**N**
Name of SSF 2
National Banks i, 15
National Party Committee
  contribution limits 10
  defined 121

Negative Entry 57, 121
Nonconnected Committee
  affiliation with SSF 7
  contribution limits 10
Nonelection Year 49
Nonfederal Account or Committee
  as collecting agent of SSF 28
  establishment of 98
  transfers from 59
Nonfederal Elections
  corporate/labor SSF donations 32
  defined 121

**O**
Occupation of Contributor 41
Office of Special Counsel 117
Offsets to Operating Expenditures 59
“One-Third Rule” 26
Operating Expenditures 62

**P**
PAC see Separate Segregated Fund ii, 122
Party Committees
  appearances 81
  convention 97
Payroll Deduction
  as fundraising method 24
  earmarked for candidates 113
Promotional Items 26

**Q**
Qualified Nonprofit Corporation 35
Quarterly Reporting 46

**R**
Raffles 26
Reattributions 27
  reporting 56
Recordkeeping 41
Redesignations 61
Refunds of Contributions 61
Registration 1
Reimbursement
  by labor organization, of solicitation costs 26
  by volunteer. See Volunteer Activity
  for meeting rooms. See Meeting Rooms, Use of
  of collecting agent, for solicitation costs 29
  “One-Third Rule” 26
Resources and Facilities 91-94
Restricted Class 20-21
Index

S

Sale or Use Restriction 51
Separate Segregated Fund (SSF) ii
  contributions by 10
  defined 122
  incorporation of 8
  solicitations by 19
Solicitable Class 5, 22
Solicitations for Candidate
  at candidate or party appearance 81
  facilities and resources used for 91
  in publications 85
Solicitations for SSF
  accidental or inadvertent 19
  at conventions 24
  methods 23
  notice requirements 19
  one-third rule 26
  trade association 108
  twice-yearly 105
Statement of Organization 2
State Law 98
Subsidiary Corporations
  affiliation 5, 7
  domestic, of foreign parent 16

T

Taxes 117
Taxpayer Identification Number 117
Termination 73
Trade Associations
  administrative expenses 109
  conventions 108
  defined 123
  federation of 108
Transportation
  candidate use of 93
  for voter registration 88
Treasurer 1, 43, 45
Treasury Funds 95
Twice-Yearly Solicitations 105

U

Unauthorized Single-Candidate Committee
  contribution limits 10
  defined 123
University Candidate Appearance 85
Unregistered Committee
  as collecting agent 28
  as conduit for earmarked contribution 111
Use of Staff 92
Usual and Normal Charge 9

V

Vendor
  discounts 16, 95
Volunteer Activity 91
Voter Guides 86-87
Voting Records 86
For more information, or to obtain additional copies, write to us at

Information Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

or call us at
1-(800) 424-9530

or visit our website
www.fec.gov