

April 29, 2014

TO: Interested Parties

FROM: Marc Elias

RE: **Legal Guidelines for Bus Tour**

This memorandum discusses the basic guidelines which will apply to the DCCC's bus tour on women's economic issues. This document is a summary only and is provided for planning purposes. Members with particular questions should contact the DCCC before proceeding.

FUNDRAISING

- The bus tour is a DCCC political activity, for which the DCCC must pay within the contribution limits, restrictions and reporting requirements of federal campaign finance law. Members may not solicit, direct or receive "soft money" in connection with the bus tour, such as corporate or labor treasury funds, or other funds outside the limits, restrictions and prohibitions of federal campaign finance law.
- Individuals, unincorporated partnerships, LLCs that are taxed as partnerships, and other "persons" whose principal purpose is not political (such as Native American tribes) may contribute up to \$32,400 to the DCCC. A multicandidate political committee ("PAC") registered with the Federal Election Commission may contribute up to \$15,000 to the DCCC.
- A contribution includes "anything of value" provided to the DCCC in connection with the bus tour, such as goods or services given at no charge, or at less than fair market value. These are called "in-kind" contributions and are subject to the contribution limits above.
- Members may transfer unlimited funds to the DCCC from their principal campaign committee (e.g., from "Smith for Congress"). A leadership PAC may contribute up to \$15,000.
- The DCCC is not accepting "earmarked" funds in connection with the bus tour. Contributors may designate funds for the DCCC's "Women LEAD" program.
- Contributions given to the Women LEAD program count against a donor's limit to the DCCC. So, if a donor has already given the maximum to the DCCC for 2014, they cannot give to this program.

SEPARATION FROM OFFICIAL ACTIVITIES

- Official resources (including staff time, research materials, mailing lists, stationery, computers, fax machines, telephones, copiers, and the frank) may not be used for bus tour activity.
- All bus tour activity, including meetings, phone calls, and strategy sessions must take place off of House property.
- Any Member promotion of the bus tour should be undertaken by the campaign, and not by the House office. Official House web pages, Facebook pages and Twitter feeds should not distribute content or links regarding the bus tour.
- Official staff may volunteer to participate in the bus tour, but only on their own time. The House office should carefully document either that the staffer has taken bona fide leave time, or that he or she has made up any minimal time taken during the work day subject to normal personnel practices.
- A Member's official scheduler may coordinate with the DCCC regarding the Member's participation in the bus tour. However, the scheduler may not otherwise staff or support the bus tour while in the House office, or while on official time.

LIMITS ON USING CORPORATE OR UNION FACILITIES

- Corporations, including non-profit corporations, and unions are prohibited from making direct contributions in connection with federal elections. They are generally restricted from using not only their treasury funds to support the bus tour, but also their resources and facilities, including personnel.
- A corporation or union may support the bus tour through its federal PAC, subject to the PAC's contribution limit to the DCCC. A corporation or union may also spend treasury funds to communicate its own political views to its "restricted class" -- i.e., its executive and administrative personnel, its members (in the case of a union or other membership organization), its shareholders (in the case of a corporation) and their immediate families.
- Some types of nonprofit corporations are further restricted in the bus tour activities in which they may engage. For example, a section 501(c)(3) charity is prohibited altogether from intervening in partisan elections, while a section 501(c)(4) social welfare organization is limited in the amount of political activity in which it may engage.