PERKINSCOIE

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TO: Democratic House Members

FROM: Marc E. Elias

RE: Supporting Congressional Campaigns

Introduction

This memorandum briefly addresses how Members of the House of Representatives and official House staff may voluntarily support congressional campaigns. The guidance in this memo will help to ensure that any volunteer participation is in compliance with legal and ethical requirements.

Guidance

A. Official Staff Participation in Campaigns

1. Restrictions and Conditions on Official Staff Campaign Activity

Official staff may participate in campaign activities during a federal election, but there are a number of restrictions on how official House staff may engage in campaign activity in compliance with legal and ethical requirements. Such activity must be voluntary and should in no way interfere with the performance of a staffer's official duties.

A House staffer may only volunteer for a campaign on his or her own time. This time may be available in off-hours, or during periods of bona fide vacation or leave time. It is not necessary for a House staffer to cease his or her official employment to volunteer with a political campaign as long as the volunteer work is not done on official time and does not take away from official duties.

No official House resources (including staff time, computers, fax machines, telephones, and copiers) may be used to benefit a campaign; they are to be used solely for legislative and representative purposes. Campaign activity is also prohibited in House offices, and House telephone numbers may not be used for campaign purposes.

¹ This memorandum is limited to travel for congressional campaigns. If a House staffer or a Member travels for other federal campaigns or committees, or political party committees, such as the DCCC or state party committees, similar rules apply, subject to the contribution limits and exceptions applicable to those entities. If travel is for nonfederal fundraising events, additional restrictions may apply.

House staff is also prohibited from making any contribution to the Member for whom they work. Finally, House staff is also prohibited from soliciting campaign contributions from or on federal property.

2. Travel and Subsistence Expenses for Official Staff Campaign Activity

First, when traveling to volunteer for a campaign, a House staffer may, as an individual, voluntarily spend up to \$1,000 per candidate, per election, for unreimbursed transportation expenses without making an in-kind contribution to the benefitting campaign. This rule is an exception from the definition of contribution and only applies to travel. It does not apply to lodging and subsistence. A campaign volunteer may spend unlimited amount for his or her own meals and lodging without making a contribution to a benefitting campaign, as long as those expenses are incidental to his or her volunteer activity. As a result, a House staffer may spend as much money as he or she may like on his or her own lodging and food without making an in-kind contribution. Once the \$1,000 per candidate per election travel exemption is reached, the House staffer may make an in-kind contribution to a benefitting campaign by paying for his or her travel out of personal funds, subject to the \$2,700 per election contribution limit.

Second, any other permissible source may pay for a House staffer to travel for a campaign, subject to federal contribution limits. Such payments for a House staffer to voluntarily travel must be reported as an in-kind contribution to the benefitting campaign. Subject to the contribution limits:

- Any congressional campaign committee, including the campaign committee of a Member for whom a House staffer works, may spend \$2,000 per election on the travel expenses of any House staffer to travel for a campaign;
- A Leadership PAC may spend \$5,000 per election for any House staffer to travel for a campaign; and
- Any other individual may spend \$2,700 per election for any House staffer to travel for a campaign.

B. Members Acting As Campaign Surrogates

Members are often asked to act as surrogates on behalf of the campaigns of other Members or congressional candidates. The relevant issue for such surrogacy is who pays for the travel expenses and whether such expenses are a contribution to the benefitting campaign.

A Member may not use the Members' Representational Allowance to pay for travel for a campaign event. But, there are several other permissible ways to pay for such travel similar to the rules outlined in Section A.2. Each Member, as an individual, may spend \$1,000 per candidate per election on unreimbursed travel expenses without making a contribution to the

benefitting campaign and may make an additional in-kind contribution for other travel expenses, subject to the \$2,700 per election contribution limit. Additionally, as outlined above, any other permissible source may pay for Member to travel for another congressional campaign including the Member's campaign, any Leadership PAC, or a third party individual, subject to the applicable contribution limits.

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