

Volunteer Activity

Federal Election Commission

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This article answers common questions from individuals wishing to participate in volunteer activity related to federal elections. The information applies to both volunteers for federal candidate campaigns and volunteers for federal political party committees. The Federal Election Campaign Act (the Act) and Commission regulations contain certain provisions related to volunteer activity connected to federal elections. In general, volunteer activity by individuals is not considered to be a contribution or expenditure and is, therefore, not required to be reported by the committee. However, certain volunteer activities are subject to limits which will be discussed further in this article.

Can I volunteer for a campaign committee if I am not a U.S. citizen?

Even though a foreign national cannot make campaign contributions or expenditures (including advances of personal funds), he or she can serve as an uncompensated volunteer for a campaign or political party. However, the individual may not serve in a decision-making capacity within the committee. For example, a foreign national is allowed to attend campaign strategy meetings and events, but may not be involved in the management of the committee. AOs 2007-22, 2004-26 and 1987-25.

Does volunteering my personal services to a campaign count as a contribution to the campaign?

An individual may volunteer his or her personal services to a campaign without making a contribution as long as the individual is not compensated by anyone else. 11 CFR 100.74. For example, if an individual helps organize a voter drive or offers his or her particular skills to a campaign, neither of those activities will result in a contribution, as long as the individual is not compensated. If the individual is compensated for his or her services, the activity is no longer considered volunteer activity and the payments, if made by someone other than the campaign itself, result in an in-kind contribution from that person, which must be reported by the campaign. 11 CFR 100.54.

I am a partner at a law firm. Can my firm offer its legal services to a campaign?

An entity (e.g. a committee, corporation or partnership) may provide a campaign with free legal and accounting services as long as:

- 1) The services are provided for the sole purpose of helping in compliance with the Act;
- 2) The entity paying for the service is the regular employer of the individual providing the service;
- 3) The employer does not hire additional employees in place of the volunteer employee; and

- 4) The committee reports the value of the service, as well as the name of each person who performed the service and the dates of service. 11 CFR 100.86, 100.146 and 114.1(a)(2); AO 2006-22.

An entity may also provide a political party committee the same free legal and accounting services applying the guidelines listed above except for the first requirement:

- 1) Here, the service cannot further the election of a specific federal candidate.

In addition, the free legal and accounting services exemption does not mean the entity can donate equipment along with the service. AO 1989-13, 1980-137.

I am an individual with a legal education, but not employed by a firm. Do the restrictions above apply to me as well?

An individual can personally volunteer his or her legal and accounting services without compensation, without the restrictions listed above. 11 CFR 100.54.

Am I allowed to hold a campaign-related gathering at my house?

Yes, an individual can use his or her home or the reception room of his or her apartment complex for activities benefiting a candidate or political party committee without making a contribution to the committee. In addition, volunteers may use a church or community room for campaign-related activities as long as the facility is regularly used for noncommercial purposes by members of the community, without regard to political affiliation. Any nominal fee charged for the use of the room will not count as an in-kind contribution to the committee and is not reportable. 11 CFR 100.75 and 100.76.

I would like to send out invitations and provide food and beverages at the campaign-related activity. Will those expenses count as contributions to the committee?

The costs for invitations or food and beverages served at the event are not considered contributions if they remain under certain limits. If the activity is benefiting a candidate, the limit is \$1000 per candidate, per election. If the activity is benefiting a political party committee, the limit is \$2000 per year on behalf of all committees of the same political party. Therefore, if a husband and wife host a benefit for a candidate at their home they would each be allowed the \$1000 exemption and together would be able to spend up to \$2000 on invitations or food and beverages without making a contribution. However, if the hosts go over the limits, the excess will count as an in-kind contribution to the committee and is reportable. 11 CFR 100.77.

These exemptions do not apply to individuals co-hosting the activity in another individual's home. Any expenses paid by the co-host are considered to be contributions and must be reported. AO 1980-63.

I work in a corporate office. Can I conduct campaign-related volunteer work while at the office?

In general, if an individual provides services to a campaign during paid working hours, the employer is making a contribution. 11 CFR 100.54. However, if you are an employee, stockholder or member of a corporation or labor organization you may use the organization's facilities during paid working hours. For example, an employee could use the office phone to make calls pertaining to political volunteer work, but the activity must not interfere with the employee's work or the organization's normal activity.

In order for the activity not to be counted as a contribution, the Commission suggests limiting the activity to "incidental use" of the corporate facilities. Incidental use is considered to be one hour a week or four hours a month. 11 CFR 114.9(a)(1) and (b)(1). If the activity exceeds incidental use or the individual uses the organization's equipment to produce campaign materials, the individual must reimburse the organization within a commercially reasonable time. The reimbursement is considered a contribution from the individual to the political committee and must be reported. 11 CFR 114.9(a)(2), (b)(2) and (c).

Can I conduct volunteer Internet activity from my corporate office?

Yes, an individual can conduct volunteer Internet activity at work as long as the individual complies with the employer's rules for personal use of computers and Internet access. This kind of activity can include anything from forwarding political emails to signing up to work at a candidate fundraiser. The individual must complete the normal amount of work for which the individual is paid and the activity must not increase the overhead or operating costs of the organization. In addition, the Internet activity cannot be coerced or conditioned upon being used for particular candidates. 11 CFR 100.94, 114.9(a)(2)(ii) and (b)(2)(ii).

If I create a website in support of a federal candidate, does that count as a contribution to the candidate's campaign?

An uncompensated individual or group may engage in Internet activities for the purpose of influencing federal elections without having the activity count as a contribution or expenditure. This exemption applies to those acting with or without the knowledge or consent of a campaign or political party committee. 11 CFR 100.94 and 100.155. The exempted Internet activities include, but are not limited to, sending or forwarding emails, providing a hyperlink to a website, posting comments to a blog, creating, maintaining or hosting a website and paying a nominal fee for the use of the website. 11 CFR 100.94(b). These exemptions apply regardless of whether the individual owns the computer.

Does the exemption still apply if I pay to place a political ad on someone else's web site?

The Internet activity exemption does not apply to paid political ads. Internet communications placed on another's website for a fee constitute "general public political advertising" and are thus viewed as "public communications" under the

law. 11 CFR 100.26. Therefore, paying to place a communication on another's website could result in a contribution or expenditure under the Act. Other regulations regarding coordinated communications and disclaimer requirements would also apply. 11 CFR 109.21, 109.37 and 110.11(a).

I am a campaign volunteer who pays for my own travel expenses to campaign-related events. Does that constitute an in-kind contribution to the campaign?

Not necessarily. An individual may pay for his or her own travel expenses related to candidate or party activities. An individual may spend up to \$1000 per candidate, per election, and up to \$2000 on behalf of all political committees of each political party in a calendar year for campaign-related travel. 11 CFR 100.79. However, if the individual spends over those limits, the excess is reportable as an in-kind contribution and counts against the individual's contribution limit.

In addition to the \$1000/\$2000 travel expenses exemption, a campaign volunteer may spend unlimited amounts of personal funds for his or her meals and lodging without making a contribution, as long as the expenses incurred are incidental to volunteer activities. 11 CFR 100.79(b).

What if the campaign offers to reimburse me for my travel expenses beyond the \$1000/\$2000 limit?

A committee is permitted to reimburse a volunteer's travel expenses and, as long as the reimbursement takes place within a certain time frame, no contribution will result. The following time frames apply:

- If the travel expense is paid for by cash or personal check, the committee must reimburse the individual within 30 days of the expense being incurred.
- If the travel expense is paid for by credit, the committee must reimburse the individual within 60 days of the closing date on the credit card billing statement where the charge first appears.

Outside of these time frames, the excess spent by the individual is counted as an in-kind contribution to the committee. 11 CFR 116.5(b) and AO 2003-31.

If I own a bakery, am I allowed to provide my baked goods to a campaign at a discount?

Yes, a vendor (whether or not it is incorporated) may sell food and beverages to a candidate's campaign or political committee at a discount. However, the amount charged must be at least equal to the vendor's costs of the items. If the value of the discount (difference between the normal charges and the amount paid by the campaign) does not exceed \$1000 per candidate, per election, or \$2000 on behalf of all political party committees of each political party in a calendar year, then the discount is not considered a contribution. If the discount exceeds those limits then the excess is considered to be an in-kind contribution and must be reported. This is a problem if the vendor is incorporated because it would result

in an impermissible contribution. Therefore, if the vendor is incorporated it may not exceed the \$1000/\$2000 discount limit. 11 CFR 100.78 and 114.1(a)(2)(v).

Additional Information

For additional information on volunteer activity, contact the FEC's Information Division at 1-800-424-9530 or 202-694-1100.

- Katherine Wurzbach