



GENERAL FUNDRAISING DO'S AND DON'TS

I. Solicitations of the Restricted Class

The following guidelines apply to restricted class solicitations:

- The solicitation may be on corporate stationery or via corporate email.
- The solicitation may be sent to the individual's office.
- The solicitation may be produced at the expense of the corporation.
- The solicitation may not be a “republishing or reproduction, in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents.”
- The solicitation may not include a committee response card.
- The solicitation may not include stamps or envelopes.
- The solicitation may include the candidate's name and address.
- The contributions may not be collected by the corporation or its employees but must be sent directly to the candidate.
- The solicitation should inform employees that all contributions are voluntary.

II. Fundraising in Connection with a Candidate Appearance Before the Restricted Class

The following guidelines apply in connection with a candidate appearance before the restricted class:

A. Restrictions on the Corporation

- The corporation may suggest that members of the restricted class contribute to the candidate and provide the candidate's mailing address.
- The corporation may endorse the candidate in connection with an appearance before the restricted class.

- The corporation may permit the news media to cover the event. However, if the corporation does allow the news media to cover the event then, if the candidate's opponent also appears before the restricted class, the corporation must again allow the news media to cover that event. Furthermore, the corporation may not be selective regarding the media that may cover the event. Rather, the corporation must provide equal access to all media representatives.¹
- A corporation may not collect any contributions through any officer, director, or other representative of the corporation, either before, during, or after the appearance at the meeting, convention, or other function -- *i.e.* -- the corporation may not facilitate the making of contributions to such candidate.

B. Candidate Activity at an Appearance Before the Restricted Class

- The candidate may ask for contributions to his or her campaign or party.
- The candidate may ask individuals to earmark their contributions through the corporation's PAC to the candidate or the candidate's party.
- The candidate may accept contributions before, during, or after the appearance.

III. Solicitations Beyond the Restricted Class

The following guidelines apply to solicitations by individuals beyond the restricted class:

- Use personal or campaign stationery. Do not use corporate stationery.
- The solicitations should be sent to individuals known personally to the executive.
- If a customer or vendor list is utilized, the corporation must receive advance payment for the fair market value of the list.
- If any subordinate is asked to help with the fundraising -- that is, if an executive directs subordinates such as secretaries or government affairs specialists to carry out the fundraising as part of their work, then the corporation must receive advance payment for the fair market value of the services, including compensation, benefits, and overhead.
- If the corporation provides catering services for an event, then the corporation must receive advance payment for the fair market value of the services.

¹ "Equal Access" is defined as providing advance information regarding the appearance to the representatives of the news media whom the corporation customarily contacts and allowing a pooling arrangement if necessary.

- Advance payments by the executive are treated as contributions to the candidate and thus must be within the payee's contribution limits.
- The corporation should be reimbursed for any increase to overhead. For instance, all long distance telephone calls must be reimbursed. Use of corporate resources by an executive for volunteer activity must be limited to no more than one hour per week or four hours per month.
- If a corporate meeting room is used for a campaign event, and the room is not customarily made available to clubs, civic organizations or other groups at a discount or for free, then the corporation must be reimbursed within a commercially reasonable time and at a usual and normal commercial rental rate for the use of the room.
- No corporate employee should collect the checks.
- Checks should be sent directly to the campaign.

IV. Restrictions on Candidate Appearances Before All Employees

The following guidelines apply with respect to candidate appearances before all employees:

A. Restrictions on the Corporation

- The corporation may not, “either orally or in writing, solicit or direct or control contributions by members of the audience to any candidate. . . in conjunction with any appearance by any candidate.”
- The corporation may not facilitate the making of contributions to such candidate.
- The corporation may not endorse the candidate in connection with an appearance before all employees.
- The corporation may not expressly advocate the election or defeat of any clearly identified candidate in conjunction with such an event.
- The corporation may not promote express advocacy or encourage its employees to expressly advocate the election or defeat of any clearly identified candidate in conjunction with such an event.
- The corporation may not provide one candidate with either more time or a substantially better location than other candidates who appear “unless the corporation is able to demonstrate that it is clearly impractical to provide all candidates . . . with similar times or locations.”

- The corporation may coordinate with the campaign only insofar as it pertains to discussions of structure, format, and timing of the appearance. Discussions with the candidate in preparation for the event may not “include discussions of the candidate’s plans, projects, or needs relating to the campaign.”
- The corporation may permit the news media to cover the event. However, if the corporation allows the news media to cover the event, then, if the candidate's opponent also appears before all employees, the corporation must also allow the news media to cover that event. Furthermore, as with events before the restricted class, the corporation may not be selective regarding the media that may cover the event. Rather, the corporation must provide equal access to all media representatives, as discussed above.

B. Candidate Activity at an Appearance Before all Employees

- The candidate may ask for contributions to his or her campaign or party.
- The candidate may ask employees to earmark their contributions through the corporate PAC to the candidate or the candidate’s party.
- Unlike the case with appearances before the restricted class, the candidate may not accept contributions before, during, or after the appearance. The candidate may only leave campaign materials and envelopes for members of the audience.

V. Other Events Involving the General Public - Use of Corporate Meeting Rooms

- A corporation that customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups at a discount or for free, may make those rooms available to a candidate or political committee on the same terms.
- However, rooms must be made available on request to any other candidate or political committee on those same terms.
- The corporation must examine its past practice with respect to the use of corporate facilities for the general public. It may make rooms available for political purposes on the same terms on which it makes rooms available to clubs, civic or community organizations.
- A corporation may rent its meeting rooms to a candidate or committee, but it must charge the usual and normal commercial rental rate, and obtain reimbursement from the candidate or committee within a commercially reasonable time.

- In order to ascertain the usual and normal commercial rate for the rooms or facility the corporation should survey like facilities in the area to establish an appropriate rate for the facility. If the corporation rents its facilities for the usual and normal commercial rate then it need not make them available on a non-partisan basis as a matter of election law.
- In either situation, if the corporation provides catering or staff support for political events, it must receive reimbursement in advance for the fair market value of these services.

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