

# Citizens' Guide

Federal Election Commission

Published in February 2004 (Updated January 2009)

## Introduction

The purpose of this guide is to encourage citizens, like yourself, to take an active part in the Federal election process. There are several ways you may support Federal candidates and political committees involved in Federal elections. These activities, however, are subject to the Federal campaign finance law. For example, the law limits the amount of money you may contribute and prohibits certain people and organizations from making contributions. This guide explains how to participate in Federal elections in compliance with federal law. It is important to note that the guide focuses on political activity in Federal elections—not State or local. Federal elections are those for the President and Vice President, the U.S. Senate and the U.S. House of Representatives.

## How Much May Be Contributed?

Your contributions<sup>1</sup> to Federal candidates and committees are limited under the law. You, the contributor, and the committee to which you give are both legally responsible for making sure that your contribution does not exceed your contribution limits. The paragraphs below list the contribution limits for individuals.

### Contribution Limits

An individual may give a maximum of:

- **\$2,400 per election to a Federal candidate** or the candidate's campaign committee.<sup>2</sup> Notice that the limit applies separately to each election. Primaries, runoffs and general elections are considered separate elections.
- **\$5,000 per calendar year to a PAC.** This limit applies to a PAC (political action committee) that supports Federal candidates. (PACs are neither party committees nor candidate committees. Some PACs are sponsored by corporations and unions—trade, industry and labor PACs. Other PACs, often ideological, do not have a corporate or labor sponsor and are therefore called nonconnected PACs.) PACs use your contributions to make their own contributions to Federal candidates and to fund other election-related activities.
- **\$10,000 per calendar year to a State or local party committee.** A State party committee shares its limits with local party committees in that state unless a local committee's independence can be demonstrated.

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<sup>1</sup> See page 4 for an explanation of what a contribution is.

<sup>2</sup> This limit applies to a contribution made to any type of political committee if the contributor knows that a substantial portion of the contribution will be used to support a particular candidate.

- **\$30,400 per calendar year to a national party committee.** This limit applies separately to a party's national committee, House campaign committee and Senate campaign committee.
- **\$115,500 total biennial limit.** This biennial limit places a ceiling on your total contributions, as explained below.
- **\$100 in currency (cash) to any political committee.** (Anonymous cash contributions may not exceed \$50.) Contributions exceeding \$100 must be made by check, money order or other written instrument.

### **\$115,500 Biennial Limit**

You have a biennial (two year) limit of \$115,500 on your total contributions to Federal candidates and Federal political committees combined. Of the \$115,500, an individual may contribute no more than \$45,600 to candidates and no more than \$69,900 to all PACs and parties (no more than \$45,600 of the \$69,900 may be given to committees that are not national party committees).

### **Presidential Campaigns**

The contribution limits work a little differently for Presidential campaigns. In the case of a Presidential candidate running in various State primaries, you may contribute up to \$2,400 for the entire primary campaign period—not \$2,400 for each State primary in which the candidate runs.

Your contributions may be supplemented with Federal (U.S. Treasury) funds. If a Presidential primary candidate has qualified for the Federal matching fund program, up to \$250 of your total contributions to that candidate may be matched with Federal funds. To qualify for matching, contributions must be in the form of a check or other written instrument. (Note that some contributions are not matchable, such as currency, loans, goods and services, and any type of contribution from a political committee.)

In the general election, however, you may not make any contributions to the campaigns of Democratic or Republican nominees who receive Federal funds. (Federal funding in the general election takes the form of direct government grants rather than matching payments.) You may nevertheless designate a contribution of up to \$2,400 to the candidate's compliance fund, a special account used to pay for certain legal and accounting expenses. You may also contribute up to \$2,400 to the general election campaign of any Presidential candidate who is not a Federally funded Democratic or Republican nominee. Federal funds used in Presidential elections come from the dollars voluntarily checked off by taxpayers on their Federal income tax returns. (The checkoff does not affect the total amount of taxes paid or any refund due.)

### **Designated Contributions**

The Federal Election Commission (FEC) encourages you, when making a contribution to a candidate, to designate which election the contribution is for. By doing this, you will avoid any confusion as to which election limit applies to your contribution. To designate a contribution, write the name of the specific election on your check (or other written instrument). Or attach a signed statement with the same information.

If you do not designate a contribution to a candidate, your contribution automatically applies to your \$2,400 limit for the candidate's next election. In other words, if you make<sup>3</sup> an undesignated contribution after the candidate has won the primary but before the general election, your contribution counts against your \$2,400 limit for the general. Similarly, if you make an undesignated contribution after the general election, it automatically applies toward the limit for the next election in which the candidate runs for Federal office.

If, however, you want a contribution to count against your limit for an election other than the candidate's upcoming election, you must designate the contribution. For example, suppose you want your contribution to count against the candidate's general election, even though the primary has not yet taken place. In this case, you must designate the contribution for the general. Or, if you want to help a candidate retire campaign debts for a past election, you must designate your contribution for that specific election.

Under certain circumstances, if you make an excessive contribution to a candidate committee, the committee may redesignate your contribution. When this occurs, the committee must notify you within 60 days, and must offer you the opportunity to receive a refund instead.

## **Joint Contributions**

If two or more individuals want to make a contribution using one check drawn on a joint account, all the contributors must sign the check or an attached statement. The check or signed statement must show how much should be attributed to each donor, unless the contribution is to be equally divided among the contributors.

## **Contributions from Family Members**

A husband and wife each have separate contribution limits, even if only one spouse has an income. For example, a couple may contribute a \$4,800 check to a candidate's primary campaign as long as both sign the check (or an attached statement), as explained above.

## **Prohibited Contributions**

While most individuals are free to make political contributions, three categories of individuals are prohibited by law from making contributions: foreign nationals and Federal government contractors and, in some instances, minors. These and other prohibitions on contributions are explained below.

### **Foreign Nationals**

Foreign nationals may not make contributions in connection with any election—Federal, State or local. This prohibition does not apply to foreign citizens who are lawfully admitted for permanent residence in the United States (those who have “green cards”).

### **Federal Government Contractors**

Federal government contractors may not make contributions to influence Federal elections. For example, if you are a consultant under contract to a Federal agency, you may not contribute

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<sup>3</sup> A contribution is “made” on the date when you relinquish control over it. If mailed, a contribution is “made” on the date of the postmark.

to Federal candidates or political committees. Or, if you are the sole proprietor of a business with a Federal government contract, you may not make contributions from personal or business funds. But, if you are merely employed by a company (or partnership) with Federal government contracts, you are permitted to make contributions from your personal funds.

### **Corporations and Unions**

The law also prohibits contributions from corporations and labor unions. This prohibition applies to any incorporated organization, profit or nonprofit. For example, the owner of an incorporated “mom and pop” grocery store is not permitted to use a business account to make contributions. Instead, the owner would have to use a personal account. A corporate employee may make contributions through a nonrepayable corporate drawing account, which allows the individual to draw personal funds against salary, profits or other compensation.

### **Contributions in the Name of Another**

Contributions made in the name of another are prohibited. For example, an individual who has already contributed up to the limit for a candidate’s election may not give money to another person to make a contribution to the same candidate. Similarly, a corporation is prohibited from using bonuses or other methods of reimbursing employees for their contributions.

### **Excessive Contributions**

Finally, contributions that exceed the law’s limits are prohibited.

## **What Counts as a Contribution**

Most people think of contributions as donations of money in the form of checks or currency. While these are common ways of making a contribution, **anything of value** given to influence a Federal election is considered a contribution. This section describes several forms of giving that are considered contributions under the Federal campaign law. All the contributions you make—whatever their form—count against your \$115,500 biennial limit and your separate committee limits (see page 2).

### **Donated Items and Services**

The donation of office machines, furniture, supplies—anything of value—is an in-kind contribution. The value of the donated item (the usual and normal charge) counts against the contribution limits. A donation of services is also considered an in-kind contribution. For example, if you pay a consultant’s fee or a printing bill for services provided to a campaign, you have made an in-kind contribution in the amount of the payment.

If you sell an item or service to a committee and ask the committee to pay less than the usual and normal charge, you have also made an in-kind contribution to the committee in the amount of the discount.

Under limited exceptions in the law, you may provide certain goods and services without making a contribution to the committee. These exceptions, discussed on pages 5-7, are volunteering, travel expenses and business services.

## **Fundraising Tickets and Items**

Yet another way of making a contribution is to purchase a fundraising item or a ticket to a fundraiser. The full purchase price counts as a contribution. If you pay \$100 for a ticket to a fundraising event like a dinner, you have made a \$100 contribution (even though your meal may have cost the committee \$30). Or, if you pay \$15 for a T-shirt sold by a campaign, your contribution amounts to \$15 (even though the T-shirt may have cost the committee \$5).

## **Loans and Loan Endorsements**

If you loan money to a candidate or political committee, you have made a contribution, even if you charge interest on the loan. The outstanding amount of the loan counts against the contribution limits. Loan repayments, therefore, decrease the amount of your contribution. Nevertheless, if your loan exceeds the limits, it is an illegal contribution, even if it is later repaid in full.

Endorsements and guarantees of bank loans are also considered contributions. Endorsers and guarantors are liable for equal portions of a loan unless the agreement states otherwise. You alone, therefore, may not endorse a \$10,000 loan to a candidate committee. There must be four other individual endorsers so that each one is liable only for \$2,400, the per-election limit. Repayments made on a loan reduce the amount of your liability and thus reduce the amount of your contribution.

## **Support Given to “Test the Waters”**

Support Given to “Test the Waters” You may wish to support a prospective candidate who is “testing the waters”—exploring the feasibility of becoming a candidate. Your total donations are limited to \$2,400, just as if they were given to an actual candidate. If the individual who is testing the waters later becomes a candidate, the candidate’s committee will report your donations as contributions.

## **Volunteering**

### **Personal Services**

An individual may help candidates and committees by volunteering personal services. For example, you may want to take part in a voter drive or offer your skills to a political committee. Your services are not considered contributions as long as you are not paid by anyone. (If your services are compensated by someone other than the committee itself, the payment is considered a contribution by that person to the committee.)

As a volunteer, you may spend unlimited money for normal living expenses.

### **Home Events**

In volunteering your services, you may use your home for activities benefiting a candidate or political party without making a contribution. If you live in an apartment complex, you may use the recreation room; any small fee you pay is not considered a contribution. You may also use a church or community room, if the room is regularly made available for noncommercial purposes, without regard to political affiliation. Any nominal rental fee you pay is not considered a contribution.

You might want to hold a fundraising party or reception in your home, or in a church or community room. Your costs for invitations and for food and beverages served at the event are not considered contributions if they remain under certain limits. These expenses on behalf of a candidate are limited to \$1,000 per election; expenses on behalf of a political party are limited to \$2,000 per year. (A husband and wife may each spend up to the limit. Their combined limits would be: \$2,000 per candidate, per election, and \$4,000 per year for a political party.) Any amount spent in excess of the limits is a contribution to the candidate or party committee.<sup>4</sup>

### **Corporate/Union Facilities**

If you are an employee, stockholder or member of a corporation or labor union, you may use the organization's facilities—for example, the phone—in connection with your volunteer activities, subject to the rules and practices of the organization. The activity, however, cannot prevent an employee from completing normal work; nor can it interfere with the organization's normal activity.

If your activity exceeds "incidental use" of the facilities—one hour a week or four hours a month—you must reimburse the corporation or union the normal rental charge within a commercially reasonable time. If you use the organization's equipment to produce campaign materials, you must reimburse the organization regardless of how much time you spend. Any reimbursement for your use of facilities is considered a contribution from you to the political committee that you are helping.

### **Travel Expenses**

You may spend up to \$1,000 per election for your travel on behalf of a candidate, and \$2,000 per year for party-related travel, without making a contribution. (If you are reimbursed for your travel expenses by someone other than the committee, the payment is considered a contribution from that person to the committee.)

### **Business Services**

#### **Discounts on Food and Drink**

If you are in the business of selling food and beverages, your business may offer a discount to candidates and party committees without making a contribution, even if your business is incorporated. The discount price must at least equal the cost of the items. The value of the discount—the difference between the normal charge and the amount paid by the committee—must, however, remain within certain limits. The limit for a discount to a candidate is \$1,000 per election; the limit for a political party is \$2,000 per year. Once the limits are exceeded, the excess amount is a contribution. An incorporated business may not exceed the limits since contributions from corporations are prohibited.

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<sup>4</sup> The Commission has said in an advisory opinion (AO 1980-63) that if an individual co-hosts an event held in someone else's home, any expenses paid by the nonresident co-host are considered contributions.

## Legal and Accounting Services

Businesses, including corporations, may support candidates in yet another way. If the business employs individuals who perform legal or accounting services, the business may provide these services free to a political committee as long as certain qualifications are met:

- First, the firm may provide services to a candidate committee or PAC only for the purpose of helping the committee comply with the Federal campaign finance law.
- Second, services on behalf of a party committee may be provided for any purpose that does not directly further the election of a Federal candidate.
- Third, the firm must use its own regular employees (not outside consultants) to perform the service. The business may not hire additional personnel to free regular employees to provide the service.
- Fourth, the recipient committee must report the value of the service (the amount paid by the employer).

Of course, when an individual personally volunteers legal or accounting services to a committee, the above restrictions do not apply.

## Independent Expenditures

Independent expenditures provide yet another way to support Federal candidates. An independent expenditure is money spent for a communication that expressly advocates the election or defeat of a clearly identified Federal candidate. It is “independent” only if the individual making the expenditure does not coordinate or consult in any way with the candidate or campaign (or agent of the candidate or campaign) benefiting from the communication. Independent expenditures are not considered contributions and are unlimited. You may spend any amount on each communication as long as the expenditure is truly independent.

You may, for example, pay for an advertisement in a newspaper or on the radio urging the public to vote for the candidate you want elected. Or you may produce and distribute posters or yard signs telling people not to vote for a candidate you oppose.

When making an independent expenditure, you must include a notice stating that you have paid for the communication and that it is not authorized by any candidate’s committee. (“Paid for by John Doe and not authorized by any candidate’s committee.”) Additionally, once you spend more than \$250 during a calendar year on independent expenditures with respect to a given election, you must file a report with the Federal Election Commission (either FEC Form 5, which is available on the FEC website), or a signed statement containing the same information).

Because this brief explanation does not cover all you need to know about independent expenditures, contact the Commission for more information (see page 9).

## Acting as a Group

If you and other individuals act together as a group to conduct activities to influence a Federal election, the group may become a “political committee.” In general, a group that raises or spends over \$1,000 per year to influence Federal elections must register, keep records on financial transactions and file reports on the committee’s activities.

If you are interested in forming a group to participate in Federal elections and anticipate raising or spending more than \$1,000 during a calendar year, you should write or phone the Commission (see page 9) and request materials to register the group as a political committee.

## **Campaign Finance Information**

The Federal campaign finance law requires many participants in the election process to submit reports on their financial activity. These reports are then put on the public record. Generally, an individual is not required to report. Political committees, however, must file detailed reports on the money they raise and spend. You, as an individual contributor, will be asked to provide information to the recipient committee for its reports.

### **Contributor Information**

If you contribute more than \$200 to a committee, the committee is required to use its best efforts to collect and publicly disclose on a financial report your name, address, occupation and employer, as well as the date and amount of your contribution. Committees sometimes request this information even for smaller contributions, since the \$200 reporting threshold applies to your total contributions to one committee during a calendar year. For example, you may make several small contributions to a committee during a year. Once these contributions add up to over \$200, the committee must report the contributor information.

Note that if you collect and forward contributions to a committee, you must transmit them within a specified period of time and must also provide the committee with certain information on the contributors. Additionally, you may have reporting obligations. For more details, contact the FEC (see page 9).

### **Information Available to the Public**

As a voter, you may be interested in learning how a particular candidate finances his or her campaign. Who is contributing? How much? Is the candidate using personal funds to finance the campaign? Does the committee have debts? Or you may want to know which candidates a party committee or PAC is supporting, and how much the committee is giving.

This information is available to the public in the campaign finance reports regularly filed by all political committees supporting Federal candidates. You may access these reports and other FEC campaign finance information on your home computer via the Internet ([www.fec.gov](http://www.fec.gov)). The Commission's Public Records Office also keeps all reports on file and will send you copies of specific reports, upon request. You can also order computer printouts focused on the information you want. Call the toll-free number, 800-424-9530, or 202-694-1120.

## **Filing a Complaint**

If you believe a violation of the Federal campaign finance law has taken place, you may file a complaint with the Federal Election Commission. Send a letter to the Commission explaining why you (the complainant) believe the law may have been violated, describe the specific facts and circumstances and name the individuals or organizations responsible (the respondents). Your complaint should also indicate which allegations are based on personal knowledge rather than on



outside sources (for example, newspaper articles). The letter must be sworn to, signed and notarized. Complaints of alleged violations receive case numbers and are called MURs, Matters Under Review. (For more information on how to file a complaint, contact the FEC. See section below.)

The Commission sends a copy of the complaint to the respondents, who have the opportunity to explain why the Commission should not pursue the complaint (for example, because no violation occurred or because there were mitigating factors). The agency considers the views of both sides and may conduct an investigation to gather facts. Until the MUR is resolved, the Commission must keep all phases of the proceedings confidential, as required by law. After it makes a decision, the agency notifies the complainant and the respondents. The decision and supporting evidence regarding the MUR are then made public.

## **For More Information On**

### **The Federal Campaign Finance Law**

The Commission's Information Division answers questions on the Federal campaign finance law. Call or write the agency (see below); FEC staff are waiting to help you. If you wish, you may formally request an advisory opinion concerning your own political activity. Advisory opinions usually address questions that require clarification of the law. Mail your written request to the Office of General Counsel at the street address below:

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
Telephone: 202-694-1100  
Toll Free: 800-424-9530  
TDD (for the hearing impaired):  
202-219-3336  
E-mail: info@fec.gov

### **Federal Employees and the Hatch Act**

Although the Hatch Act does not prohibit contributions, it does ban or restrict certain partisan political activities conducted by Federal employees. Some Federal government agencies place additional limits on the political activity of their employees. For more information, contact your agency's ethics officer. For information on the Hatch Act, contact the:

Office of Special Counsel  
U.S. Merit Systems Protection Board  
1730 M Street, N.W.  
Washington, D.C. 20036  
Telephone: 202-653-7143  
Toll Free: 800-854-2824