

ADVISORY OPINION 1975-100

Volunteer Internships in Member's Home Office

This advisory opinion is rendered pursuant to 2 U.S.C. §437f in response to a request submitted by Senator Frank E. Moss. The request was published in the Federal Register on November 12, 1975 (40 FR 52796). Interested persons were given an opportunity to submit comments relating to the request. No comments were received.

Senator Moss inquired whether his allowing political science students to serve as voluntary interns in his Utah office must be treated as a contribution in-kind. Parenthetically, the Commission notes that Senator Moss has qualified as a candidate under 2 U.S.C. §431(b) and 18 U.S.C. §591(b).

The University of Utah's Hinckley Institute of Politics allows students to obtain credit while interning in political offices. Upon further inquiry with Senator Moss' staff, the Commission was informed that the Senator uses the students nominated by the Institute in both his home office and in his campaign headquarters. The students who work in the Senator's home office in Utah are on the Senate payroll. The work of these students would not be a contribution in-kind so long as they are engaged in the pursuit of legislative business.

The other group of students will work in the Senator's campaign office. These students will not be paid but will receive college credit for their work. Under the Act, a contribution does not include "the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee." Accordingly the work of these students would not be a contribution in-kind if the students receive no compensation for the work, if the Institute's program is conducted in a nonpartisan manner and in a manner consistent with accepted accreditation standards generally applicable to institutions of higher education. The receiving of college credit would not, under these circumstances, constitute compensation. Consequently, Senator Moss need not report as contributions the value of services provided by the student interns. Nor would such services constitute contributions in-kind by the students thus affecting their contribution limitations under 18 U.S.C. §608(b).

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.