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Federal Election Commission
999 E Street, NW
Washington, DC 20463

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Office of Communications.

Toll free 800-424-9530

Local 202-694-1100

Email info@fec.gov

Greg Scott, Director
Alex Knott, Sr. Writer/Editor
Dorothy Yeager, Production
Manager

Outreach

Contribution Limits for 2015-2016

Under the Federal Election Campaign Act (the Act), certain contribution limits are indexed for inflation every two years, based on the change in the cost of living since 2001, which is the base year for adjusting these limits. The inflation-adjusted limits are:

- The limits on contributions made by persons to candidates (increased to \$2,700 per election, per candidate)(52 U.S.C. § 30116(a)(1)(A));
- The limits on contributions made by persons to national party committees (increased to \$33,400 per calendar year) (52 U.S.C. § 30116(a)(1)(B));
- The limit on contributions made by certain political party committees to Senate candidates (increased to \$46,800 per campaign) (52 U.S.C. § 30116(h)).

The inflation adjustments to these limits are made only in odd-numbered years. The per-election limits on contributions to candidates are in effect for the two-year election cycle beginning the day after the general election and ending on the date of the next general election (November 5, 2014 - November 8, 2016). All other contribution limits are in effect for the two-calendar-year period beginning on January 1, 2015 and ending on December 31, 2016.

National party committees may establish accounts to defray certain expenses incurred with respect to Presidential nominating conventions, election recounts, and headquarters buildings. The contribution limits applicable to these accounts are 300% of the limits on contributions to national party committees, which means that the accounts may accept up to \$45,000 per year from multicandidate committees and \$100,200 per year from other contributors during the 2015-2016 election cycle. 52 U.S.C. § 30116(a)(1)(B) and (a)(9).

(Posted 02/03/2015; By: Christopher Berg)

Resources:

- [Federal Register notice \(February 3, 2015\)](#) [PDF]
- Record article: [National Parties May Establish New Accounts](#)
- [Educational Outreach](#)

Coordinated Party Expenditure Limits Adjusted

The 2015 coordinated party expenditure limits are now available.

The limits are:

- \$96,000 for House nominees in states that have only one U.S. House Representative. This adjustment is calculated by multiplying \$20,000 by the Cost of Living Adjustment provided by the Secretary of Labor (COLA) and rounding to the nearest \$100. The applicable COLA is 4.80133.
- \$48,000 for House nominees in states that have more than one U.S. House Representative ($\$10,000 \times \text{COLA}$); and
- A range from \$96,000 to \$2,847,100 for Senate nominees, depending on each state's voting age population (the greater of $\$20,000 \times \text{COLA}$ or $2\text{¢} \times \text{state voting age population (VAP)} \times \text{COLA}$)

Party committees may make these special expenditures on behalf of their 2015 general election nominees (for example, in special elections). National party committees have a separate limit for each nominee. Each state party committee has a separate limit for each House and Senate nominee in its state. Local party committees do not have their own separate limit. One party committee may authorize another committee of that party to make an expenditure against the authorizing committee's limit. Local committees may only make coordinated party expenditures with advance authorization from another committee within in the party.

Coordinated party expenditure limits are separate from the contribution limits. Unlike contributions, the national Senatorial and Congressional committees do not have separate coordinated party expenditure limits; however, they may receive authorization to spend against the national limit or state party limits. They also differ from contributions in that the party committee must spend the funds on behalf of the candidate rather than give the money directly to the campaign. These expenditures may be made in consultation with the candidate; however, only the party committee making the expenditure – not the candidate committee – must report them. Coordinated party expenditures are reported on FEC Form 3X, line 25, and are always itemized on Schedule F, regardless of amount.

[Click here to view the 2015 coordinated party expenditure limits](#). The link also includes information on which party committees have the authority to make coordinated party expenditures; the formula used to calculate the coordinated party expenditure limits; and a listing of the state-by-state coordinated party expenditure limits for Senate candidates.

(Posted 02/03/2015; By Christopher Berg)

Resources:

- [Federal Register notice \(2/3/2015\)](#) [PDF]
- [Chapter 7, Campaign Guide for Political Party Committees](#) [PDF]
- [Compliance Map](#)

Lobbyist Bundling Disclosure Threshold Raised

The Federal Election Campaign Act, as amended by the Honest Leadership and Open Government Act of 2007 (HLOGA), requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant PACs once the contributions exceed a specified threshold amount. The Commission must adjust the threshold amount for inflation at the beginning of each calendar year.

The threshold is increased by multiplying the \$15,000 statutory threshold by the difference between the preceding year's price index, as certified by the Secretary of Labor, and the price index for the base period (CY 2006). The resulting amount is rounded to the nearest multiple of \$100. 52 U.S.C. §§ 30104(i)(3)(A) and (B) and 30116(c). Based on this formula ($\$15,000 \times 1.17429$), the lobbyist bundling disclosure threshold for 2015 is \$17,600.

(Posted 02/03/2015; By: Christopher Berg)

Resources:

- [Federal Register notice \(February 3, 2015\)](#) [PDF]
- [Lobbyist Bundling Disclosure FAQ](#)
- [Educational Outreach](#)

Advisory Opinions

AO 2014-19: Nonconnected PAC May Establish Earmarking Program for Female Candidates

ActBlue, a nonconnected political action committee, may establish separate "draft funds" and "nominee funds" to accept contributions earmarked for candidates and prospective candidates who are women. Since the contributor will choose whether to contribute and to whom the contributions will be made, ActBlue is acting only as a conduit and is not exercising direction or control over the choice of candidates. As a result, the contributions ActBlue forwards to the designated candidates will not count against the PAC's limits to those candidates.

Background

ActBlue serves as a conduit for specific candidates and political committees by receiving earmarked contributions via its website and forwarding them to the intended recipients. ActBlue allows users to contribute to "nominee funds," where the contributions are earmarked for party nominees who are not yet known (i.e., the Democratic nominee for President in 2016), and to "draft funds" where contributions are earmarked for specific individuals who may become candidates for specific offices, but who have not yet established campaign committees.

Now, ActBlue wants to offer new nominee and draft funds that will "cater to the public's strong desire to see a woman run for President on the Democratic ticket in 2016." The new nominee and draft funds will permit donors to earmark contributions, respectively, for the Democratic Party's eventual nominee for President in 2016 and for women who

may become Presidential candidates in 2016 but who have not yet formed authorized Presidential campaign committees.

ActBlue will forward contributions made to the nominee fund only if the nominee is a woman. If the nominee is not a woman, ActBlue will forward the contributions to a default recipient, such as the Democratic National Committee (DNC). The default recipient will be determined at the time the nominee fund is created and will be disclosed to potential contributors before they make their contributions.

Contributors to the draft fund will earmark contributions to one of the potential candidates listed on ActBlue's website. ActBlue will forward any earmarked contributions to that individual if she forms an authorized presidential campaign committee by a deadline established by ActBlue. If a potential draft candidate does not form an authorized campaign committee, ActBlue may name a series of other default potential candidates (rather than a single default recipient) who would then receive the earmarked contributions. ActBlue would state at the time the draft fund is established who the potential default candidates are and the order in which they would be eligible to receive contributions.

Analysis

The Federal Election Campaign Act and Commission regulations permit a person to make contributions to a federal candidate through a conduit or intermediary; however, if the intermediary exercises any "direction or control" over the choice of recipient candidate, then the contribution is treated as a contribution both from the conduit and the original contributor. 52 U.S.C. § 30116(a)(8) and 11 CFR 110.6(a) and (d). The Commission has previously determined that a conduit or intermediary does not exercise direction or control in cases where the contributor has the ultimate say over whether to make a contribution to a given recipient and the amount of any contribution made. See [AO 2014-13 \(ActBlue\)](#).

Similarly, in [AO 2003-23 \(WE LEAD\)](#), the Commission concluded that because contributions made by persons were earmarked for the "presumptive Democratic Presidential nominee" in 2004 (which had not been determined at the time), the intermediary did not exercise any discretion over which candidate would ultimately receive the earmarked contributions. ActBlue's proposed nominee fund introduces gender as a criterion to identify the recipient of earmarked contributions and notifies potential contributors in advance that their contributions will go to a designated default recipient if the Democratic nominee for president in 2016 is not a woman. Accordingly, contributions made through this fund will be considered contributions from the original contributor to the recipient, and since the determination of which candidate receives the contributions is at the discretion of the contributor, the earmarked funds will not count against ActBlue's contribution limits.

With respect to ActBlue's draft fund proposal, the Commission has previously concluded that ActBlue may act as an intermediary for contributions that are earmarked for specific prospective candidates. In [AO 2006-30 \(ActBlue\)](#), the Commission required ActBlue to state clearly in its solicitations how it would distribute earmarked contributions if a prospective candidate did not register a presidential campaign committee by a pre-determined deadline. Since the proposed draft fund meets that requirement, it is likewise permissible.

Date Issued: January 15, 2015; Length: 6 pages.

(Posted 01/21/2015; By: Myles Martin)

Resources:

- [Advisory Opinion 2014-19](#) [PDF]
- [Commission Discussion of Advisory Opinion Request 2014-19](#) 