

## Personal Funds of Individuals

### Funds from the Candidate

Unlike the other types of contributions listed here, contributions (including loans or advances) made from the candidate's personal funds to his or her campaign are not subject to any limits, though they must still be reported. 110.10; AOs 1991-09, 1990-09 and 1985-33. For further information, see Chapter 4, Section 12, "Candidate's Personal Funds."

### Unearned Income and Fringe Benefits

A candidate's salary or wages earned from *bona fide* employment are considered his or her personal funds. 100.33. However, compensation paid to a candidate in excess of actual hours worked is generally considered a contribution from the employer. 100.54; see also AO 2000-01. Moreover, under FEC regulations barring personal use of campaign funds, a third party's payment of a candidate's expenses is considered a contribution, unless the payment would have been made irrespective of the candidacy. To be paid "irrespective of the candidacy," and thus not considered a contribution, compensation must:

- Result from *bona fide* employment that is genuinely independent of the candidacy;
- Be exclusively made in consideration for services provided by the employee; and
- Not exceed the amount paid to any other similarly qualified person for the same work over the same period of time.

113.1(g)(6). See AOs 2006-13, 2004-17, 2004-08, 1980-115 and 1979-74.

Note that when a candidate is on leave without pay, the continued payment of fringe benefits (such as health insurance and retirement) may also result in contributions from the employer to the campaign. 114.12(c). (The Commission has made an exception to this rule for employers who had pre-existing policies providing for a limited extension of benefits for individuals who take unpaid leave. See AO 1992-03.)

## Advances by Individuals

### General Rule

When an individual uses personal funds (or personal credit) to pay for a campaign expense, that payment is generally an in-kind contribution from

that individual. 100.52(a). For example, an in-kind contribution results if a campaign staff member pays for postage, office supplies or campaign materials with personal funds. This rule also applies to payments made by volunteers and by the candidate. Travel expenses later reimbursed by the committee are treated differently. 116.5. See Chapter 7, Section 4, "Travel Cost Exemptions" for more information.

Although such advances are considered in-kind contributions until reimbursed, special reporting rules apply when individuals pay for campaign expenses and later receive reimbursement from the committee. See Chapter 13, Section 13, "Reporting Reimbursed Advances of Personal Funds (Non-Travel)."

### Travel Exception

When a campaign staff member, volunteer or the candidate uses personal funds to pay for that individual's own travel expenses (transportation, meals and lodging) incurred on behalf of a candidate, the payments are not considered contributions if they fall under one of two exceptions:

- **Exempt Unreimbursed Travel:** Any individual may spend up to \$1,000 per candidate, per election, on transportation expenses without making a contribution, and volunteers may spend unlimited amounts on meals and lodging in connection with volunteer activity. 100.79.
- **Reimbursed Travel:** Any other payments by individuals for travel expenses are not considered contributions if the committee reimburses them within specified time limits. 116.5(b). See Chapter 7, Section 4, "Travel Cost Exemptions" for more information.

### Congressional Staff

The official staff of members of Congress cannot contribute to their employing member's campaign. See 18 U.S.C. §603. As such, it is important for those individuals to avoid advancing any funds to the campaign (e.g., buying stamps for a campaign mailing). See also 18 U.S.C. §602.

For more information about political activity by federal employees, contact the U.S. Office of Special Counsel at 202/254-3600.

## Coordinated Communications

If a committee, group or individual pays for a communication that is coordinated with a campaign or