



Donations to the Presidential Inaugural Committee

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Donations to President-elect Obama's Presidential Inaugural Committee are subject to federal law and to other restrictions that affect the amount potential donors may give, whether the donation is publicly disclosed, and whether it is labeled as "bundled." In addition, donations made by certain entities that retain federal lobbyists may be subject to further reporting.

The Presidential Inaugural Committee is appointed by the President-elect to be in charge of the Presidential inaugural ceremony and the functions and activities connected with the ceremony. The Inaugural Committee plans and finances all inaugural events except the swearing-in ceremony at the West front of the Capitol and the luncheon honoring the President and Vice-President. Accordingly, the Inaugural Committee accepts donations to cover the costs associated with all other inaugural events including opening ceremonies, the parade, galas, and balls.

Impermissible Donors

Foreign nationals are banned from making any donation to the Inaugural Committee by the Bipartisan Campaign Reform Act of 2002 ("BCRA"). [Public Law 107-1555, 116 Stat. 81 (March 27, 2002) as amended.]

Additionally, although federal law is more permissive, the Obama Inaugural Committee has publicly stated that it will not accept donations from any PAC, registered federal lobbyist or foreign agent, federal contractor, corporation, labor organization, or national bank.

[Presidential Inaugural Committee Press Release, December 12, 2009; www.pic2009.org.]

Donations Subject to Restrictions

Under federal law, a "donation" includes any payment, gift, loan, advance, or anything of value given to the Inaugural Committee. [11 CFR §§ 104.21(a)(2), 300.2(e)] The Obama Inaugural Committee does not appear to depart from the federal definition of "donation" for purposes of its self-imposed restrictions.

Applicable Dollar Limit

Although federal law imposes no dollar limit, the Obama Inaugural Committee has placed a self-imposed limit on donations. The limit is \$50,000 per individual.

[Presidential Inaugural Committee Press Release, December 12, 2009.]

Public Disclosure

For each donation of money or anything of value aggregating \$200 or more, federal law requires the Inaugural Committee to publicly disclose the donor's name, mailing address, amount of each donation, date of receipt, and the aggregate total of donations accepted from that donor. The Federal Election Commission must receive this information (FEC Form 13) no later than 11:59 p.m. Eastern Time on the 90th day following the date on which the Presidential inaugural ceremony is held.

In addition, the Obama Inaugural Committee has opted to make available its own publicly accessible database of donors which includes the name, employer, city, state, zip code, and amount of donation to the Inaugural Committee.

Public Disclosure of Bundled Donations

The Obama Inaugural Committee also purports to self-disclose bundled donations. A separate list of "Bundlers for the Presidential Inaugural Committee" appears within President-elect Obama's Presidential Inaugural Committee database, along with notice of a self-imposed cap of \$300,000 on bundled donations.

Further Advice

If you are planning to make, or have made a donation to the Presidential Inaugural Committee, please feel free to contact us for further advice.

Frederick T. Dombo focuses his practice on ethics and election law. He advises clients on state and federal gift rules, ethics compliance and investigations. He can be reached at fdombo@nossaman.com or 202.887.1485.