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RICHARD W. MARK
Election Supervisor

June 10, 2015

[REDACTED]

Re: Email Query of May 9, 2015 Requesting Interpretation of *Proposed 2016 Rules*,
Art. XI, §1(b) Subsections Concerning Monetary Contributions to Candidates From
Family Members Who Are Former or Retired Members of the IBT

[REDACTED]

You inquired about the application of subsections of the *Proposed 2016 Rules* concerning contributions by family members who are former or retired members of the IBT. Please understand that any application and enforcement of the *Rules* depend on the specific facts presented, and in the context of campaign contributions, the source of funds and any other facts about the contributor may be relevant to determining whether a specific contribution may properly be accepted.

We understand your inquiries to boil down to three questions:

1. Can a person who is not a member of the IBT but is immediate family to a member contribute money to a candidate?¹
2. If a person is not a member of the IBT but is immediate family to an IBT member, is that person qualified in his/her own right to make a legal and accounting monetary contribution as a nonmember or must he/she make the contribution as immediate family to a member?
3. What dollar limits apply to the person who is not an IBT member but who is immediate family to a member?

These questions are answered by reference to subsections of Art. XI, §1(b) of the *Proposed 2016 Rules*. In general, the *Proposed 2016 Rules* permit contributions only from members (Art. XI, §1(b)(8)) and prohibit contributions from nonmembers (Art. XI, §1(b)(4)).

The *Proposed 2016 Rules* define former members and retirees as nonmembers. Art. XI, §1(b)(4). However, the term “nonmember” expressly does *not* include immediate family of a member (“immediate family” is also defined explicitly). Art. XI, §1(b)(4). As such, the *Proposed 2016 Rules* prohibit a person who is not presently a member from contributing to a candidate *unless* that

¹ Our response addresses monetary contributions only. In-kind contributions are subject to a different analysis. For guidance on that subject, please refer to the OES *Advisory on Campaign Contributions, Expenditures and Disclosures* (May 1, 2015), available at www.ibtvote.org.

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person is immediate family to a member. If the person qualifies as immediate family to a member, that person may contribute, but the contributions count against and are subject to the member's contribution limits (or if the member is a candidate, the candidate's contribution limits).

Members and certain nonmembers may make monetary contributions to legal and accounting funds. However, because a person who is not a member but is immediate family to a member is *excluded* from the definition of nonmember in Art. XI, such a person's contributions to a legal and accounting fund would count against and be subject to the member's contribution limits (or if the member is a candidate, the candidate's contribution limits).

To respond to your hypothetical questions directly (subject to examination of additional relevant facts):

1. Can a person who himself or herself is not a member of the IBT but is immediate family to a member make a monetary contribute to a candidate?

Yes, but the contribution counts against and is subject to the contribution limits of the member (or candidate) to whom the contributor is immediate family.

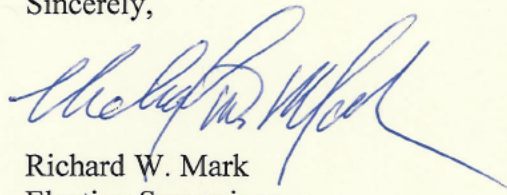
2. If a person is not a member of the IBT but is immediate family to an IBT member, is that person qualified in his/her own right to contribute money to a legal and accounting fund as a nonmember or must he/she make the contribution as immediate family to a member?

The person who is not an IBT member but who is immediate family to a member may contribute money to a legal and accounting fund, but such a contribution would count against and be subject to the contribution limit of the member (or candidate) to whom the person is immediate family. As such, the *combined contributions* from the member and the person who is immediate family to the member cannot exceed the limit applicable to the member or candidate set by Art. XI, §1(b)(12).

3. What dollar limits apply to the person who is not an IBT member but who is immediate family to a member?

For all monetary contributions, the *combined contributions* from the member and the person who is immediate family to the member cannot exceed the limit applicable to the member (member: \$2,000; candidate: \$10,000; legal & accounting: \$10,000).

Sincerely,



Richard W. Mark
Election Supervisor