

Dear Attorney Foley:

I am writing to thank you and your SEEC colleagues for your very hard work in preparing the Proposed Declaratory Ruling 2018-1. The proposed guidance is extremely helpful on some very complicated issues. THANK YOU!

Examples of discussion items that are very helpful to me in my efforts to help people comply with the law:

- ➔ the guidance at pages 4-5 regarding an incidental spender and a candidate provides a very useful roadmap of the types of communications on legislative policies that would not necessarily trigger “coordination.”
- ➔ The comprehensive discussion of membership communications starting at page 5 is also extremely helpful.
- ➔ The comprehensive discussion regarding interviews starting a page 7 for endorsements is very helpful – setting forth clear guidelines for the types of interview questions that the group should and should not ask in order to avoid coordination with the candidate’s campaign.
- ➔ The discussion at pages 9-10 regarding the distribution of endorsements is very important. I am respectfully requesting that this discussion be further clarified to state the activities that would not be deemed to be an “expenditure” or “coordination.” That is, can the group ask the candidate for a “quote” to insert into the group’s press release? Can the group post the endorsement on its website and on the group’s social media accounts? Note: I do see the discussion in the final paragraph of page 9 regarding the “free social media” exception; and I am wondering about the “volunteer-no compensation” provision in that exception. Does the volunteer provision prohibit a person who is *on-the-clock* for a group from posting an endorsement (or other info) about a candidate on the group’s website or social media pages? I suppose that the over-arching question is what exactly can a group do on endorsements without triggering an impermissible in-kind contribution or triggering “coordination.” Thanks for your consideration of these issues.
- ➔ The discussion starting at page 11 of who is a “volunteer” on a campaign is very important; and I certainly understand that a group cannot pay a person to go “volunteer” on a campaign. This issue becomes a bit murky to me when it comes to vacation pay or paid leave time. That is, it is my impression that if a person – on his/her own – wants to take a (paid) vacation day to go work on a campaign, then this activity would not give rise to an impermissible in-kind contribution to the campaign. However, if the group/employer tells the person to take a vacation day and to go help the candidate, then this could be problematic. Would it be possible to shed some more light on the “vacation day” or “paid leave” issue in the declaratory ruling? Thank you.

Thanks again Joshua for all of your hard work. Please let me know when the SEEC public hearing is scheduled for July; as I would love to attend.

Sincerely,

Bob Shea