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**MEMORADUM**

TO: Austin Keyser, Director, IBEW Political/Legislative Affairs Department

FROM: Robert Kurnick

RE: Use of Union Facilities by Candidate Committees and Party Organizations

You asked for a description of the rules applicable to use of local union facilities by federal candidates and party organizations.

A Local union may allow federal candidates and political parties to use the local's facilities (e.g., meeting rooms) and equipment (e.g., telephones, office furniture, or computers) without making an unlawful contribution – as long as the candidate or party reimburses the local union for use of the its facilities within a commercially reasonable time and at the normal and usual rental rate for similar facilities and equipment in that community. 11 C.F.R. § 114.9(d).

Local unions making their facilities or equipment available to a candidate or party should require those organizations to sign a lease agreement.

Alternatively, the local union PAC could reimburse the local union for the use of its facilities. That payment would constitute an in-kind contribution from the PAC to the candidate or party. The in-kind contribution would be lawful only if the IBEW PAC and any local union PACs (all of which share a common contribution limit) had not already contributed the maximum amount permitted by federal law. And, such payments, if made, must be made in advance. AO 2012-15.

Another option would be to provide facilities and equipment for free or at a discount. But, that option would be available only if the local union customarily made its facilities and equipment available on similar terms to civic and community groups and to other candidates. 11 C.F.R. § 114.13.

These rules apply only to federal candidates and parties; they do not necessarily apply to state candidates or state party organizations. And, a different set of rules applies to union members or employees who use union facilities for their own volunteer political activities. 11 C.F.R. § 114.9.