



Understanding Post-Election and Inaugural Compliance

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- Contributions to federal inaugural committee
 - Contributions from corporations and individuals are unlimited
 - » No later than 90 days after the Inauguration, PIC must disclose identity of donors and amount of contributions to FEC
 - Federal law prohibits contributions by foreign nationals
 - Reportable on LD-203 if filer makes contributions aggregating \$200 or more



- Federal gift considerations
- Federal lobby disclosure implications
 - LD-203
 - » Events held to honor or recognize a covered legislative or executive branch official (including President and Vice President)
 - LD-2
 - » Is inauguration activity lobbying?



- Contributions to presidential transition committee
 - \$5,000 limit for direct contributions and reportable to General Services Administration. Corporate contributions permitted.
 - No stated restrictions on in-kind donations and not reportable to GSA
 - LD-203 reporting
 - Is transition activity lobbying and reportable on LD-2?



- President-elect is legally exempt from conflict of interest and gift rules.
- Traditionally, assets have been put in blind trust.
- Trump issues
 - Linkage and Honest Services Fraud
 - Emoluments Clause
 - STOCK Act
 - Personal Financial Disclosure



- Special and runoff elections are treated as separate elections for limit purposes
 - \$2,700 for individuals, \$5,000 for federal PACs
- Contributions to state and local special and runoff election committees are subject to state and local law
- Louisiana Senate runoff: Saturday, December 10, 2016



- Contributions to recount committees
 - Separate per election limit applies
 - » \$2,700 for individuals, \$5,000 for federal PACs
- Contributions to state and local recount committees are subject to state and local law



- Revolving door issues
- Appointment and confirmation issues
- Obama executive orders
- Ban on registered lobbyists (federal and non-federal) serving in Trump administration
- Five-year cooling-off period after leaving Trump administration



- Until Pence is no longer Governor (term ends January 9, 2017), contributions to federal inaugural and transition committees raise federal pay-to-play issues
 - There is a technical argument under SEC Rule 206(4)-5 and MSRB Rule G-37 that Presidential transition and inaugural is not covered, but it is inadvisable given indirect provision and other risks.
 - There is no argument under CFTC Rule 23.451.



- Volunteering for presidential transition
 - What are parameters?
 - » Corporate time, resources, facilities, personnel
 - » Personal in-kind donation to transition
 - » Soliciting money for transition
- Same issues for state and local transitions



- Contributions to state and local inaugural and transition committees may also be subject to state and local ethics, election, and pay-to-play laws.
 - Kansas: contributions to inaugural committees are limited to \$2,000 from any person under campaign finance law
 - Ohio: contributions to transition funds (which may be used to pay for inaugural celebrations) for the joint offices of governor and lieutenant governor are limited to \$10,000 per donor, and for other statewide offices are limited to \$2,500 per donor under campaign finance law



- Be careful to vet nature of organization
- On rare occasions, serving on state or local transition team may raise conflict of interest issues
- Employee does not become a federal official for federal transition work but could become a state or local official for state or local transition work
- Procurement laws re: company bidding on contract employee helped prepare specifications for
- State and local inaugural events raise gift issues and could also qualify as a contribution to inauguration committee

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