

January 26, 2008

To: All Merkley Campaign Staff and Compliance Team.
From: Jon Isaacs, Campaign Manager
Subject: Fundraising During February Session – Limitations and Procedures

The Oregon State Legislative Counsel has issued a clear opinion stating that Oregon House of Representatives rules limiting the fundraising activities of Legislators cannot apply to candidates for federal office. Therefore, we are able to continue raising funds during the special session next month. While we will continue to raise money during the session – we must if we are going to continue to build a strong campaign to defeat Senator Smith – Speaker Merkley feels very strongly that his U.S. Senate campaign honor the spirit of legislative session fundraising limits that he has strongly supported in the past. Therefore, Speaker Merkley has decided to voluntarily place limitations on the campaign's fundraising activities.

During the February session, we will continue to raise funds as usual with the following limitations:

1. We will not accept or solicit any contributions from any individual registered as a lobbyist in the State of Oregon.
2. We will not be asking any individual registered as a lobbyist in the State of Oregon to raise funds or host a fundraising event.
3. We will not accept or solicit contributions from PACs registered in the State of Oregon.

Procedures for following self-imposed fundraising limitations

1. Every contribution received after the start of and before the end of the February session must be vetted against the list of registered Oregon lobbyists available on the Oregon Government Ethics Commission (OGEC) website at http://www.oregon.gov/OGEC/forms_publications.shtml

I have also attached the list available for download from the OGEC website to this memo. If we receive a contribution from an individual on this list during the February session we must return it within 48 hours of receipt with a letter of explanation. This includes contributions received via the Internet.

2. All prospective donor lists must be vetted against the OGEC list as well. Any prospective donor who appears on the OGEC list must not be solicited during the February legislative session.
3. While we are only holding two fundraising events during the February session, we have several that are being held immediately after the session ends. Invitations for these events will be circulated during the session. We must vet all of the written invitation lists against the OGEC list of registered lobbyists. Any person appearing on the OGEC list must be removed from the invitation lists for any fundraising event that goes out during the session as this can be considered a solicitation by the campaign.

4. Any contribution received by a PAC during the February session must be vetted against the database of state PACs available on the Secretary of State's website at <http://www.oregonvotes.org/>. Any contribution received during the session from a PAC registered with the State of Oregon must be returned with a letter of explanation within 48 hours of receipt. (Also remember FEC limits on contributions from STATE PACs: \$1,000 aggregate limit for the entire election cycle. Federal law prohibits federal candidates from accepting contributions from most STATE PACs)
5. In order to avoid inadvertently soliciting any lobbyists registered with the OGEC, the campaign will not send out any fundraising solicitations via the Internet during the February session.
6. The campaign will continue to send written fundraising solicitations via postal mail. As these lists consist of sometimes tens of thousands of individuals, it will not be possible for us to be able to remove all individuals who may be registered as lobbyists with the OGEC. Therefore, we will simply vet and return any contributions we happen to receive from lobbyists registered with the OGEC as a result of written fundraising appeals as outlined above.

While these self-imposed limitations are not federal or state laws that we are required to follow, it is the policy of the campaign for all staff members to treat them with equal importance. Any employee found to have violated these guidelines either through negligence or purposeful actions will be subject to the personnel procedures and consequences described in the *Jeff Merkley for Oregon Employee Handbook*. We will review these self-imposed limitations and guidelines at a staff meeting the week preceding the February session.