

CARNEGIE HALL

POLICY ON POLITICAL CAMPAIGN ACTIVITIES

Adopted October 7, 2016

I. Policy Statement

It is understood that Carnegie Hall trustees, officers, employees and volunteers can and do participate in political campaigns in their individual capacities, on their own time and without any use of Hall resources. However, such persons must take steps to ensure that their individual participation will not be attributed to Carnegie Hall or make use of Hall resources.

Carnegie Hall does not endorse political candidates or participate in political campaign activities. No trustee, officer, employee or volunteer may participate in any political campaign on behalf of Carnegie Hall or engage in any other activity that would lead a reasonable person to believe that Carnegie Hall is supporting or opposing a candidate for public office. This prohibition covers activities such as making campaign contributions, organizing or encouraging the purchase of tickets to political fundraising events, using Hall facilities or resources for campaign-related activities, and publishing, making, or distributing statements for or against any candidate, where such activities are, or may appear to be, undertaken on behalf of Carnegie Hall.

Carnegie Hall was established with the support of the City of New York, receives funding from the City, New York State and the federal government, and has elected officials on its Boards of Trustees. Nothing in this policy is intended to limit Carnegie Hall's ability through its trustees, officers, employees or volunteers to seek and accept governmental support, or prohibit elected officials from participating in Carnegie Hall's governance and activities.

Any trustee, officer, employee or volunteer who has questions regarding this policy should consult the General Counsel. Attached are hypothetical examples that will be used in advising in this area.

CARNEGIE HALL

II. Applicable Legal Requirements

Carnegie Hall's Policy Statement is intended to assure compliance with the following applicable legal requirements:

A. Tax Law Prohibition

Carnegie Hall is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. As a condition for maintaining the exemption, Carnegie Hall is prohibited from having any involvement in political campaigns. The penalties for violation of this prohibition are severe, and may include revocation of Carnegie Hall's tax exemption, as well as imposition of excise tax penalties on Carnegie Hall and its managers who allow the prohibited activity. There is no *de minimis* exception. Even a minor violation of the prohibition is grounds for revocation of Carnegie Hall's exemption and/or the imposition of excise tax penalties.

B. Election Law Prohibition

In addition to federal tax law restrictions, federal and state election laws prohibit organizations like Carnegie Hall from providing direct or indirect support to candidates or making contributions to political campaigns. Violations of these prohibitions may also have adverse consequences on Carnegie Hall.

C. Permissible Lobbying

Federal tax law specifically permits Carnegie Hall, its trustees, officers, employees and volunteers to lobby public officials on behalf of Carnegie Hall within certain limitations. Nothing in this policy is intended to restrict such lobbying activities.

CARNEGIE HALL

III. Examples of Prohibited or Permitted Activities

The following hypothetical examples describe political campaign-related activities that would be prohibited under Carnegie Hall's Policy Statement because they are—or may appear to be—conducted on behalf of Carnegie Hall. They also illustrate activities that would be permissible because they are conducted by persons acting in their individual capacities and not on behalf of or with Hall resources.

A. Endorsement of Candidates

Trustees, officers, employees and volunteers who wish to support or oppose candidates may do so only in their individual capacities and must ensure that their actions are not attributed to Carnegie Hall. Neither Carnegie Hall, nor any trustee, officer, employee or volunteer speaking in an official capacity, is permitted to endorse or oppose a candidate for public office.

- Impermissible: Carnegie Hall allows a candidate to use Hall event space to host a fundraising dinner and waives or reduces its usual customary fee. This is impermissible.
- Permissible: Carnegie Hall allows a candidate to use Hall event space to host a fundraising dinner, paying the usual customary fee, and makes the facility available to other candidates in the same election on the same terms. This is permissible.
- Impermissible: During a press interview about a Carnegie Hall program, an officer is asked to comment on an impending mayoral race. The officer is acting in an official capacity, and any endorsement of a particular candidate is prohibited.
- Permissible: During a press conference regarding a Carnegie Hall program, an officer expresses appreciation for the support the program received from the City government, including the Mayor. Although the Mayor is running for reelection, the officer makes no reference to the Mayor's candidacy or the election. This activity is permissible.
- Permissible: A trustee accepts a volunteer position with a campaign with the understanding that (1) such participation is solely in an individual capacity, and (2) any affiliation with Carnegie Hall may not be referenced in campaign materials except with a statement that it is for identification purposes only and does not imply an endorsement by Carnegie Hall. The trustee notifies the campaign in writing, with a copy to Carnegie Hall, of these conditions. The trustee makes appearances in support of the candidate, emphasizing the candidate's support for the arts. This activity is permissible. If the trustee or Carnegie Hall discovers that campaign materials are being issued which imply endorsement by Carnegie Hall,

CARNEGIE HALL

the trustee will immediately write the campaign requiring that the materials be revised.

B. Contributions to Political Campaigns or Parties

Trustees, officers, employees or volunteers may make contributions to or raise funds for a political candidate, or purchase tickets to a fundraiser for a candidate or political party in an individual capacity. Such individuals are prohibited from undertaking these activities on behalf of Carnegie Hall.

Permissible: A campaign committee asks a Carnegie Hall trustee or officer to contribute to the candidate's campaign. The trustee or officer makes a contribution in his or her individual capacity, without any use of Carnegie Hall's resources (including stationary). This activity is permissible.

Impermissible: A Carnegie Hall employee wishes to sell tickets to a party given by a campaign committee. From Carnegie Hall, the employee calls or emails trustees, Carnegie Hall staff and friends to ask them to buy tickets. This activity is prohibited.

Permissible: A Carnegie Hall employee wishes to sell tickets to an event hosted by a campaign committee. From home, the employee calls or emails (on a personal account) Carnegie Hall trustees, employees and friends to ask them to buy tickets. In calls or emails to persons affiliated with Carnegie Hall, the employee makes it clear that the request is made in an individual capacity and not on behalf of Carnegie Hall. This activity is permitted.

Permissible: A Carnegie Hall employee makes a campaign contribution with personal funds, using personal stationery and stamps, and with no involvement of Carnegie Hall. This activity is permissible.

Permissible: A trustee makes a campaign contribution with personal funds and with no involvement of Carnegie Hall. The trustee advises the candidate that he/she is a Carnegie Hall trustee and appreciates the candidate's support of the arts. The trustee states that his/her support is in an individual capacity and not on behalf of Carnegie Hall. This activity is permissible.

Impermissible: At a board or committee meeting, a trustee states that a particular candidate for office appears to be supportive of Carnegie Hall and encourages other trustees to contribute to the candidate. This activity is impermissible.

Permissible: A trustee makes a campaign contribution with personal funds. The trustee sends an email from a personal email account to other current and/or former trustees encouraging them to do the same. The email states that the particular candidate appears to be supportive of Carnegie Hall.

CARNEGIE HALL

The trustee makes it clear that his/her encouragement and contribution are made in an individual capacity and not on behalf of Carnegie Hall. This activity is permissible.

Permissible: A trustee makes a campaign contribution to a fundraising event with personal funds. The Trustee cannot attend and gives his/her ticket to a Carnegie Hall employee, who attends in an individual capacity and not on behalf of Carnegie Hall. This activity is permissible.

Permissible: A trustee hosts a fundraising event at his/her home. The trustee invites several individuals on Carnegie Hall's staff, who attend and/or make campaign contributions in their individual capacity with personal funds. The activity takes place without any involvement of Carnegie Hall. This activity is permissible.

Impermissible: A trustee hosts a fundraiser at his/her home. The trustee invites several of Carnegie Hall's largest vendors, and tells them Carnegie Hall would appreciate their attendance and contributions. This activity is impermissible.