The original documents are located in Box 15, folder "Federal Election Commission - Advisory Opinions)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

FILE THE FOLLOWING 11 PAGES WITH THE OTHER COVER SHEETS IN THE "ADVISORY OPINIONS (FEC)" SECTION

FEDERAL ELECTION LAW MANUAL

Interpretations of the Federal Election Campaign Act, and Amendments of 1974 by Advisory Opinions of the Federal Election Commission.

AO 1975 - 2
(August 18, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
20-28	day-to-day political business; influencing elections	18 U.S.C. 591(f)(1)
20-28	newsletter; expenditure exemptions	18 U.S.C. 591(f)(4)(c)
20-28	expenditure exemptions; solicitation of contributions by political committee	18 U.S.C. 591(f)(4)(1)
29-37	limitations on contributions by subordinate committees	18 U.S.C. 608(b)
54-56	subordinate committees	18 U.S.C. 608(f)
54-56	limitations on expenditures by subordinate committees; county committees; district committees	18 U.S.C. 608(f)(3)
71-73	contributions	2 U.S.C. 431(e)(5)(A) 18 U.S.C. 591(e)(5)(A)
81-83	registration of political committees	2 U.S.C. 433
84-86	campaign depositories	2 U.S.C. 437(b)

Page of Manual	Key Words	Section of U.S. Code Interpreted
90,94,95-97	reports	2 U.S.C. 434(a)(1)(2)
98	reports	2 U.S.C. 434(e)
99-101	reports	2 U.S.C. 437(a)

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AO 1975 - 3

(August 18, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
12-19	congressional campaign committee	18 U.S.C. 591(e)
...		
29-37. 49-62.	contributions to and expenditures from office accounts; franking account	18 U.S.C. 608
...		
30-32	congressional campaign committee	18 U.S.C. 608(b)(2)
50, 51	limitations on expenditures	18 U.S.C. 608(c)(1)(E)
88, 131	office accounts	2 U.S.C. 439 a
	franking account	39 U.S.C. 3210(f)

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AO 1975 - 7

(September 3, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
.... 29-37. 49-62.	contribtions to and expenditures from office accounts	18 U.S.C. 608
38-41,62	corporate contributions	18 U.S.C. 610
84-86	campaign depositories	2 U.S.C. 437 b
88, 131	office accounts	2 U.S.C. 439 a
102, 116, 123	powers of commission	2 U.S.C. 437 d (a)(9)

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AO 1975 - 8

(August 21, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
7	"candidate"	18 U.S.C. 591(b)
38-41, 62	Corporate contributions; officeholders and candidates distinguished	18 U.S.C. 610
42, 43	corporate contributions; officeholders and candidates distinguished	18 U.S.C. 111
47,48,131	honorariums; travel expenses	18 U.S.C. 616
70	"candidate"	2 U.S.C. 431(b)

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AO 1975 - 9
(August 19, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
6	"election"; unopposed election	18 U.S.C. 591(a)
...		
29-37. 49-62.	unopposed election; expenditure limitations; contribution limitations	18 U.S.C. 608
...		

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AO 1975 - 10
(September 3, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
29-32	contribution limits	18 U.S.C. 608 (b)(1)(2)
29-32	transfer of funds	18 U.S.C. 608 (b)(1)(2)
29-47	office accounts, constituent service accounts	18 U.S.C. 608, 610, 611, 613, 614, 615
37	earmarked transfers, pass-through of funds	18 U.S.C. 608 (b)(6)
38-45,62	transfer of funds	18 U.S.C. 610, 611, 613
49-62	office accounts, constitutent service accounts	18 U.S.C. 608, 610, 611, 613, 614, 615
50-52	limitations on expenditures	18 U.S.C. 608(c)
59, 60	transfer of funds, contribution limits	18 U.S.C. 608(a)
71-73	"contribution", transfer of funds	2 U.S.C. 431(e)(3)
84-86	campaign depositories, savings accounts	2 U.S.C. 437 b (a)(1)
88, 131	office accounts, constitutent service accounts	2 U.S.C. 439 a
91-93	reports, reporting transferred funds, reporting interest earned	2 U.S.C. 434(b)

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Interpretations of the Federal Election Campaign Act, and Amendments of 1974 by Advisory Opinions of the Federal Election Commission.

AO 1975 - 13
(August 21, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
7	"Candidate"	18 U.S.C. 591(b)
38-41, 62	travel expenses; indirect contributions; corporate contributions; chamber of commerce contributions	18 U.S.C. 610
70	"Candidate"	2 U.S.C. 431(b)

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Interpretations of the Federal Election Campaign Act, and Amendments of 1974 by Advisory Opinions of the Federal Election Commission.

AO 1975 - 14

Page of Manual	Key Words	Section of U.S. Code Interpreted
11 - 19	donations in kind	18 U.S.C. 591(e)
...		
29 - 37.	legislative activities	18 U.S.C. 608
49 - 62.		
...		
...		
29 - 37.	contributions to and expenditures from office accounts	18 U.S.C. 608
49 - 62.		
...		
38 - 41, 62	corporate contributions	18 U.S.C. 610
38 - 41, 62	labor organization contributions	18 U.S.C. 610
88, 131	office accounts	2 U.S.C. 439(a)
88, 131	contributions to and expenditures from office accounts	2 U.S.C. 439(a)
	franking account	39 U.S.C. 3210(f)

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Interpretations of the Federal Election Compaign Act, and Amendments of 1974 by Advisory Opinions of the Federal Election Commission.

AO 1975 - 16

(August 19, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
38-41, 62	Nonprofit corporations; incorporated political committees; separate segregated fund	18 U.S.C. 610
52	authorized committees	18 U.S.C. 608(c)(2)(B)
83	reporting disbanding of committees	2 U.S.C. 433(d)
83, 90	principal campaign committee	2 U.S.C. 432(f)
83, 90	reports	2 U.S.C. 432(f)(2) and (3)
88	authorized committees	2 U.S.C. 432(e)
84-86, 115	depositories	2 U.S.C. 437 b (a)
91-94	disbanding of committees	2 U.S.C. 434(b)(12)
90,94,95-97	quarterly reports	2 U.S.C. 434(a)(1)(C)
117,118,120	reports by Commission	2 U.S.C. 438(a)(7)

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Interpretations of the Federal Election Campaign Act, and Amendments of 1974 by Advisory Opinions of the Federal Election Commission.

AO 1975 - 17

(September 3, 1975)

Page of Manual	Key Words	Section of U.S. Code Interpreted
11, 65	"person" "Partnership"	18 U.S.C. 591(q)
29	contributions by partnerships	18 U.S.C. 608(b)(1)
46	contributions in name of another	18 U.S.C. 614
79	"partnership" "person"	2 U.S.C. 431(h)
87, 135	recording partnership contributions	2 U.S.C. 432(c)

FILE THE FOLLOWING 12 PAGES UNDER "ADVISORY OPINIONS (FEC)"

FEDERAL ELECTION COMMISSION

[Notice 1975-23]

ADVISORY OPINION 1975-14

Contributions by Banks, Corporations, and Labor Unions to Defray Constituent Service Expenses

This advisory opinion is rendered under 2 U.S.C. § 437f in response to requests for advisory opinions submitted by Congressman M. Caldwell Butler, Congressman W. Henson Moore, and William J. Holayter, which were published together as AOR 1975-14 in the July 17, 1975, FEDERAL REGISTER (40 FR 30258). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests generally ask the Commission whether, under the Federal Election Campaign Act of 1971 as amended (the Act), corporate, labor and banking contributions may be accepted for office account related purposes. Specifically, the following requests were made:

(a) Congressman W. Henson Moore states that he intends to send under the frank a questionnaire to his constituents in order to learn their feelings on various issues. Congressman Moore asks whether the Commission will treat as a corporate contribution to his campaign the donation by a corporation of the use of its computer to analyze the results of the questionnaire;

(b) William J. Holayter, Director of the Machinists Non-Partisan Political League, asks whether money in the League's educational fund, which is composed of dues money from various local lodges, may be donated to incumbent United States Senators and Representatives for their office accounts; and

(c) Congressman M. Caldwell Butler states that he intends to hold a Farm Conference for the purpose of allowing farmers and other agricultural interests in his district the opportunity to present their views to him and officials of Federal and State agricultural agencies. Congressman Butler asks whether the Commission will consider the conference to be official business so that contributions by incorporated state banks and bank holding companies will be permitted in order to defray expenses.

It is clear that the Federal Election Commission has the duty to formulate general policy with respect to the Act (2 U.S.C. § 437d(a)(9)), has the power to regulate amounts contributed to a holder of Federal office in order to defray expenses arising in connection with that office (2 U.S.C. § 439a), has the power to formulate general policy regarding contributions and expenditures (18 U.S.C. § 608), and has the power to formulate general policy regarding contributions or expenditures by national banks, corporations or labor organizations (13 U.S.C. § 610). Pursuant to these powers and duties, it is the determination of the Commission that contributions to and expenditures by an office account are to be treated as political contributions and expenditures, and are subject to the limitations and prohibitions on such transactions.

Further, Congress has recognized the political value and campaign-related nature of material mailed under the frank and has provided in § 3210(f) of Title 39, United States Code, that:

> The equivalent amount of postage • • • on franked mail mailed under the frank of the Vice President or a Member of Congress, and *the cost of preparing or printing* such *frankable matter* for such mailing under the frank, *shall not be considered as a contribution* to, *or an expenditure* by, the Vice President or a Member of Congress *for the purpose of determining any limitation on expenditures or contributions* with respect to any such official, *imposed by any Federal, State, or local law or regulation, in connection with any campaign* of such official *for election to any Federal office.* (Emphasis added)

Accordingly, contributions to and expenditures by a separate segregated franking account are contributions and expenditures for the purposes of the Federal Election Campaign Act of 1971, as amended, and Title 18, United States Code, except for the limitations contained in 13 U.S.C. § 608.

It is the opinion of the Commission that Congressional appropriations for staff salaries, newsletters, stationery, and travel are for legislative activities and, therefore are not subject to the limitations and prohibitions of the Act. It is the Commission's conclusion that these appropriations represent a Congressional determination of the amount necessary for the continued performance of the public duties of a Member of Congress, and that Congress has thus knowingly appropriated sufficient funds for the performance of these duties. Accordingly, additional money which is raised by a Member or his supporters shall be treated as a contribution made for purposes of influencing a Federal election and shall be governed by all appropriate limitations. Similarly, any expenditure from any office account shall be treated as an expenditure intended for purposes of influencing a Federal election and shall be controlled by all appropriate limitations. If Congress concludes that activities currently supported by an office account are in fact essential legislative functions, it remains the prerogative of Congress to appropriate additional funds necessary to fulfill these functions.

Support for the Commission's views may be found in *United States* v. *Brewster*, 408 U.S. 501, 92 S. Ct. 2531, 33 L.Ed 2d 507 (1972) in which the Supreme Court stated:

> It is well known, of course, that Members of Congress engage in many activities other than the purely legislative activities. • • • These include a wide range of legitimate "errands" performed for constituents, the making of appointments with Government agencies, assistance in securing Government contracts, preparing so-called "newsletters" to constituents, news releases, and speeches delivered outside the Congress. The range of these related activities has grown over the years. They are performed in part because they have come to be expected by constituents, and because "they are a means of developing continuing support for future elections." Although these are entirely legitimate activities, they are political in nature rather than legislative, in the sense that term has been used by the Court in prior cases.

As an office account will be conclusively presumed to be used solely for political purposes, contributions to, expenditures by, and the general operation of an office account should be reported and otherwise treated as provided in Notice 1975-18 of the Federal Election Commission "Office Accounts and Franking Accounts; Excess Campaign Contributions," as published in the Federal Register.

The Commission intends to apply its policy on office accounts as follows:

(a) It is the opinion of the Commission that a corporate donation of the use of a computer to analyze the results of a questionnaire would constitute a corporate contribution made for purposes to influencing a Federal election. The fact that the questionnaire was mailed under the frank would not extend the coverage of 39 U.S.C. § 3210(f) to the analysis of questionnaire results, and accordingly the donation of the services of the corporate computer would constitute a corporate contribution prohibited under 18 U.S.C. § 610.

(b) It is the opinion of the Commission that money from the "educational fund" of a labor union may not be donated to the office accounts of incumbent United States Senators and Representatives, if the fund is composed of dues money from various local lodges of the union. Since the money in the fund would be derived from dues, and not from separate voluntary donations by union members to support the office accounts of Congressmen, contributions of this money by a union would be prohibited under 13 U.S.C. § 610.

(c) It is the opinion of the Commission that contributions by incorporated state banks, or bank holding corporations, to an agricultural conference organized by a Member of Congress would constitute a direct or indirect contribution by these banking institutions in connection with a federal election. If the agricultural conference is not funded directly through a Congressional appropriation, it will be conclusively presumed to be funded from an office or constituent service account utilized by the member of Congress for political purposes. Accordingly, contributions by state bank corporations or bank holding corporations to the conference would be prohibited under 18 U.S.C. § 610.

The Commission does not wish to discourage conferences involving policy development of important economic and other issues, but will examine the particulars of each such proposed conference for any implications under 18 U.S.C. § 610.

The provisions of this opinion represent the opinion of the Commission as to the effect of 2 U.S.C. § 437d(a)(9), 2 U.S.C. § 439a, 18 U.S.C. § 608, and 18

U.S.C. § 610 on contributions and expenditures from the office account of a Federal officeholder. The provisions of this opinion are reflected in the proposed regulations which the Commission has submitted to Congress (see the FEDERAL REGISTER, Notice 1975-18 of 40 FR 32951, "Office Accounts and Franking Accounts; Excess Campaign Contributions"). However, in order to provide sufficient notice for orderly compliance with this opinion, the provisions of this opinion shall become effective on October 1, 1975, notwithstanding any contrary language in this opinion.

Dated: August 7, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-21080 Filed 8-12-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-24, AO 1975-2 and AO 1975-3]

MICHIGAN DEMOCRATIC PARTY AND NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE

Advisory Opinions

AO 1975-2: MICHIGAN DEMOCRATIC PARTY

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request submitted by the Michigan Democratic Party (hereinafter MDP) and published as AOR 1975-2 in the June 24, 1975, FEDERAL REGISTER (40 FR 26660). Interested parties were given an opportunity to submit written comments pertaining to the request.

The advisory opinion request by the MDP raises several issues. Each issue is discussed separately in the following advisory opinion.

1. The first question concerns the practice by the Michigan Democratic Party of maintaining two separate bank accounts—one for Federal election use and one for state election use. The party has established two separate accounts to assist it in meeting the different reporting requirements of the Federal law and of the Michigan state laws. The Federal election account is not the "official" account of the Michigan Democratic Party. The party's question is, then, whether the money from the Federal election account can be used for the 18 U.S.C. 603 (f) state committee expenditures.

Section 608(f) does not specify that the expenditures made under this section must be from the "official" account of the state party. Therefore, the general section on campaign depositories, 2 U.S.C. 437(b), controls. Subsection 437 (b) (2) provides:

> The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one or more national or State banks as campaign depositories of such committee, and shall maintain a checking account for the committee at each such depository. All contributions received by such committee shall be deposited in such accounts. No expenditure may be made by such committee except by check drawn on such accounts, other than petty cash expenditures as provided in subsection (b).

The MDP has complied with the first requirement of this subsection by establishing a separate account for Federal elections. In addition, the MDP must designate the bank in which it maintains its separate account for Federal elections (or any other National or State banks) as the campaign depository of the committee. All contributions received or expenditures made pertaining to Federal elections must be deposited in or drawn from this account of the party. Each local party committee which intends to solicit contributions, receive contributions, or make expenditures in connection with any Federal election must establish a separate account for Federal election purposes as described above.

All contributions received by the MDP which the contributor designates to be used for Federal election purposes and all contributions received which the MDP intends to use for Federal election purposes must be deposited in this account. Since the individual or political committee whose contribution is deposited in this account is making a contribution within the definition of 18 U.S.C. 591(e) the contribution limitations established in 18 U.S.C. 608(b) are applicable. In addition, the sections in Title 18 which prohibit contributions by certain types of contributors are applicable. 18 U.S.C. 610, 611, 613, 614 and 615.

2. The second question raised by the Michigan Democratic Party concerns the application of the expenditures limitations in 18 U.S.C. 608(f) to the state and local committees in Michigan and the proper place of filing reports by the local committees. Subsection 608(f) (3) provides:

> The national committee of a political party, or a State committee of a political party, *including any subordinate committee of a State committee,* may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds * * * (explanation of formula for determining limitation (emphasis added)

The term subordinate, as used in this section, includes all "branches" or "subsidiaries" which are officially a part of the State Party organization. By statute, each major party in Michigan is required to establish a county committee in each county, a district committee in each Congressional district, and a State central committee. (Hereinafter the County and Congressional committees are referred to as local committees.) Although the local committees of each party select the members of the state central committee of that party, each committee on each level retains independent statutory existence and exercises a substantial degree of autonomy with respect to all other committees in its finances and operations. When applied to the political party structure in Michigan, the term subordinate as used in § 608 includes all statutorily required local committees and any other committee which, by virtue of the bylaws of the Michigan Democratic Party, is part of the Democratic Party structure in the state. Therefore, all such committees are included within the state party *expenditure* limitation established in § 608(f) (3).

The Michigan Democratic Party may administer the § 608(f) (3) expenditure by one of the following methods, which the Commission does not intend to be an exhaustive statement of the alternative methods. In the first instance, the state central committee will be responsible for insuring that the expenditures of the entire party organization are within the limitations established in § 608(f) (3). Any § 608(f) (3) expenditure made by a local committee would have to be reported to the state central committee. The state central committee would be responsible for filing reports with the Commission pertaining to all § 608(f) (3) expenditures made by any branch of the party structure.

In the alternative, the state central committee may allocate the § 608(f) (3) expenditure among the local party committees in the following manner. The state committee and the local committees first agree upon an allocation formula whereby a portion of the total § 608(f) (3) expenditure limitation for each Federal candidate is allocated to local committees. The state committee, then, files a statement with the Commission setting forth the agreed upon allocation. This "allocation statement" shall contain, in addition to the allocation for each committee, the following information with regard to each committee which has not filed a statement of organization with the Commission: the name and address of the committee; the name, address, and position of the custodian of books and accounts; the name, address and position of other principal officers; and a listing of all banks, safety deposit boxes, or other repositories used. If the local committee has already filed a statement of organization, the "allocation statement" must contain the name and address of the local committee and the amount allocated to that committee, and state that a statement of organization has already been filed by that committee. Any changes in the information pertaining to the local committees which was submitted in the "allocation statement" must be reported by the local committee to the Commission within 10 days following the change.

Once the "allocation statement" has been filed with the Commission, the actual allocation to a local committee may be changed by an amended report submitted to the Commission by the state central committee. This report must be signed by authorized agents of both the state central committee and that particular local committee and state that both parties have agreed that the original allocation should be changed and set forth the amended allocation.

Each local committee (other than a political committee) which is listed in the "allocation statement" will be required to file appropriate reports of expenditures with the Commission if the total § 608(f) (3) expenditure allocation is in excess of $100.[1] In addition, each local committee will be responsible for insuring that all § 608(f) (3) expenditures by that local committee are within the allocated amount. If the local committee exceeds its allocation as set forth in the "allocation statement" and, as a result, the total party expenditures in the state exceed the overall expenditure limitation in § 608(f) (3), the local committee, rather than the state party officials, will be charged with the responsibility for exceeding the expenditure limitation.

Although § 608(f) (3) specifically includes the local committees within the

[1] The Commission will be issuing regulations pursuant to 2 U.S.C. 438(c) which will detail this reporting requirement.

state party *expenditure* limitation, the local committees may be considered separate organizations for the purposes of applying the *contribution* limitations in § 608(b). If the local committees are in fact truly independent of the state central committee, then each local committee may contribute to Federal candidates. If the local committee qualifies under § 608(b)(2), its contribution limitation for each candidate is $5,000. Otherwise, the limitation for each candidate is $1,000 per candidate, 18 U.S.C. 608(b)(1). Each local committee is responsible for filing with the Commission any appropriate reports made necessary by reason of its contributions to Federal candidates.

3. The next question raised is whether the state committee is required to file the required reports and statements with the appropriate principal campaign committee or with the Commission. The state committee must file reports of any contributions received which are "earmarked" for a particular candidate with that candidate's principal campaign committee. The committee must also file a report pertaining to expenditures which are authorized by the candidate to be made on his or her behalf with the appropriate principal campaign committee.[3] Reports pertaining to all contributions and expenditures will be filed with the Commission.[4] If the state committee has not registered, the statement of organization should be filed with the Commission.

4. Question 4 concerns the newsletter the Michigan Democratic Party publishes and sends to its members. The question is whether the newsletter comes within the expenditure exemption in 18 U.S.C. 591(f)(4)(C), which provides:

> (C) Any communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election of any person to Federal office;

Although a state political party does endorse federal candidates, many of the activities of the party are generally not to influence directly Federal elections, but to build a strong party organization. A newsletter of a political party will come within this expenditure exemption if the newsletter is distributed only to dues paying members of the party. Moreover, the state political party or other entity sending the newsletter must not be "organized primarily for the purpose of influencing the nomination for election, or election, of any person to federal office." 18 U.S.C. 591(f)(4)(C). This concept of being "organized primarily" for such purposes will be particularized by Commission regulations to be issued in the near future.

It is relevant to note that the party may solicit contributions to the Democratic Party in this newsletter (although not for any federal candidate). Such a solicitation will not make the newsletter an expenditure. Section 591(f)(4)(1) exempts from the definition of expenditure any costs incurred by a political committee with respect to the solicitation of contributions to such political committee, unless the solicitation is done by general public advertising.

5. The last question concerns the reporting requirements for the local committees of the Michigan Democratic Party which do not receive contributions for federal elections in excess of $1,000 or which are not allocated more than $100 of MDP's § 608(f)(3) expenditures.[5] The question is whether 2 U.S.C. 437a, pertaining to reports by certain persons, requires such committees to file reports with the Commission. In particular, the MDP asks whether the phrase "commits any act directed to the public for the purpose of influencing outcome of an election" as used in § 437a, includes such routine activities by political committees as putting up a poster for a federal candidate.

The local committee of a state political party organization which is not required to file reports as a political committee or as a "person" under 2 U.S.C. 434(e) and which is not required to file reports of § 608(f)(3) expenditures, will not be required to file reports under § 437a. Certain "routine activities" of political committees described in the request could frequently come within the exemptions to the definition of contribution in 2 U.S.C. 431(e) and 18 U.S.C. 591(e). For example, a person who puts up posters for a federal candidate is usually volunteering his or her services without compensation. If that is the case, such activity is exempt from the definition of contribution by 2 U.S.C. 431(e)(5)(A) and 18 U.S.C. 591(e)(5)(A).[6]

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited to the facts of the specific advisory opinion request and should not be relied on as having precedential significance except as it relates to those facts at the time of its issuance.

AO 1975-3: National Republican Congressional Committee

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request submitted by the National Republican Congressional Committee (hereinafter NRCC) and published as AOR 1975-3 in the June 24, 1975, Federal Register (40 FR 26660). Interested parties were given an opportunity to submit written comments pertaining to the request.

This request states that NRCC provides certain services and property to Republican Members of the House of Representatives (hereinafter Member). These services are:

1. The NRCC's preparing and printing newsletters, questionnaires and other printed matter to be mailed by Members under the Congressional frank.

2. The NRCC's reprinting of excerpts from the Congressional Record to be mailed by Members under the Congressional frank.

3. The NRCC's paying the cost of tabulating responses to questionnaires sent by a Member to his constituents under the Congressional frank including the cost of using a computer for such tabulation.

4. The NRCC's reimbursing a Member for the cost of newsletter paper purchased by the Member from the House of Representatives Stationery Room to be used by the member in preparing materials to be mailed by the Member under the Congressional frank.

The NRCC requests the Commission to rule on the question of whether the described activities are noncampaign in nature and, therefore, do not count against the NRCC's contribution limitation to a candidate [18 U.S.C. 608(b)(2)] and do not apply to the Member's election expenditure limitations [18 U.S.C. 608(c)(1)(E)].

It is not necessary for the Commission at this time to reach the question of whether the activities described in paragraphs 1, 2 and 4 are noncampaign in nature. 39 U.S.C. 3210(f) is applicable to material sent under the Congressional frank. This section provides:

> Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and *the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions* with respect to such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office. (Emphasis added.)

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[3] This does not include 18 U.S.C. 608(f)(3) expenditures.

[4] An Interim Guideline pertaining to the filing of the July 10 reports was published in the Federal Register on June 26, 1975. Regulations pertaining to reports due on October 10 and thereafter will be published in the Federal Register prior to the date when the reports are due.

[5] See discussion relating to question 2.

[6] 2 U.S.C. 437a requires any person (other than an individual) "who expends any funds or commits any act directed to the public for the purpose of influencing the outcome of an election" to report the funds received by that person as if they were contributions under 2 U.S.C. 431(e) and payments of such funds as if they were expenditures under 3 U.S.C. 431(f). Therefore, even if the local committee were required to report under § 437a, the local committee would not be required to report the activity described in the request if the person putting up the posters was volunteering his services without compensation. The individual volunteering his services would not be making a contribution to the local committee since such volunteer activity is exempted from the definition of contribution. The local committee would not, in these circumstances, be making an expenditure since it is not compensating the individual for his time.

As long as the materials prepared by the NRCC are suitable to be mailed under the frank and, in fact, are mailed under the frank, the cost of preparing or printing the materials will not be charged against the contribution or expenditure limitations in 18 U.S.C. 608. For purposes of this opinion, the Commission assumes that such mailings are suitable to be mailed under the frank.

In paragraph 3, the NRCC requests the Commission to rule on its practice of paying the cost of tabulating responses to questionnaires sent by a Member to his constituents under the Congressional frank including the cost of using a computer for such tabulation. The exemption in 39 U.S.C. 3210(f) only extends to the cost of preparing or printing the franked matter. Therefore, in determining whether the cost of tabulating responses is a contribution or expenditure subject to the appropriate limitations in 18 U.S.C. 608, the question is whether such activity is a contribution or expenditure within the general definition of 18 U.S.C. 591 (e) and (f). The Commission has proposed regulations providing that the cited definitions apply to these activities and that they are therefore subject to limitation under 18 U.S.C. 608.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: August 11, 1975.

NEIL STAEBLER,
Vice Chairman, For the Federal Election Commission.

[FR Doc.75-21412 Filed 8-15-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-27; AO 1975-9 and AO 1975-16]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-9 and 1975-16. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26, United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

ADVISORY OPINION 1975-9

APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITS TO UNOPPOSED PRIMARY CANDIDATES

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to requests submitted by a candidate and a political committee. The requests were made public by the Commission and published in the FEDERAL REGISTER an July 9, 1975 (40 FR 28944). Interested parties were given an opportunity to submit comments relating to the requests.

The requesting parties seek an advisory opinion as to whether a primary election in which there is only one candidate for nomination is an "election" for purposes of the contribution and spending limitations of 18 U.S.C. § 608. In 18 U.S.C. 591(a) the term "election", as used in 18 U.S.C. 608, is defined as, *inter alia*, "a general, special, primary, or runoff election." The Commission's opinion is that this definition includes a primary election in which a candidate runs unopposed and without regard to whether his or her name appears on the ballot. The provisions of 18 U.S.C. 608 clearly state that the contribution and expenditure limitations "apply separately with respect to each election." No distinction is made between opposed and unopposed primary and general election candidates.

This conclusion is in accordance with the legislative history of the Federal Election Campaign Act Amendments of 1974, (the Act). The Senate bill (S. 3044) as reported from committee contained specific provisions which limited expenditures by unopposed candidates in both a primary and general election to 10 percent of the limits applicable to opposed candidates. The 10 percent limit on unopposed primary candidates was deleted by floor amendment during Senate debate while the 10 percent limit on candidates unopposed in the general election was dropped in conference with the House. Thus, the legislative history also indicates that it was not Congress' intent to make a distinction between opposed and unopposed candidates for purposes of either contribution or expenditure limits. Accordingly, an unopposed candidate in a primary election is entitled to receive contributions and make expenditures with respect to that election within the limitations set by 18 U.S.C. 608.

The Commission further concludes that those expenditures made solely to defray expenses incurred with respect to the primary election would not be chargeable to the unopposed candidate's expenditure limits in the general election. Until further notice the Commission will assume that all expenditures made and required to be reported with respect to a forthcoming primary election are allocable to that primary election rather than to a subsequent general election.

ADVISORY OPINION 1975-16

INTERPRETATION OF PRINCIPAL CAMPAIGN COMMITTEE, REPORTING SCHEDULE, AND CAMPAIGN DEPOSITORY PROVISIONS; CONTRIBUTIONS FROM INCORPORATED MEMBERSHIP ORGANIZATION

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request submitted by Congressman John D. Dingell and published as AOR 1975-16 in the July 17, 1975, FEDERAL REGISTER (40 FR 30259). Interested parties were given an opportunity to submit written comments pertaining to the request.

The advisory opinion request submitted by Congressman Dingell raises several issues. Each issue is discussed separately in the following advisory opinion.

1. The first question raised by Congressman Dingell concerns the types of political committees a candidate may establish. Each candidate is required to designate a political committee to serve as his or her principal campaign committee. 2 U.S.C. 432(f). The candidate may authorize any number of political committees to solicit or receive contributions on behalf of the candidate or to make expenditures on behalf of the candidate. This authorization must be in writing and signed by the candidate. The expenditures made on behalf of the candidate by these authorized political committees are applied to the candidate's overall expenditure limitation.

These authorized committees file reports with the principal campaign committee for the candidate on whose behalf the contributions are accepted or the expenditures are made. The principal campaign committee is required to compile the reports of these authorized committees and file these reports, together with the report on its own activity, with the Commission. 2 U.S.C. 432(f) (2) and (3).

All political committees must remain in existance and report until all of their debts and obligations are extinguished. 2 U.S.C. 434(b)(12). The Commission may by future regulation prescribe ways in which continuous reporting of outstanding debts and obligations of campaign committees which have become and remained insolvent for long periods of time may be suspended or terminated. Since the committees authorized by the candidate report to that candidate's principal campaign committee, the candidate's principal campaign committee must remain in existence until all of its debts and obligations are extinguished and all of the debts and obligations of its authorized committees are extinguished or consolidated with the debts and obligations of the principal campaign committee.

2. The second question concerns the reporting requirements of committees which have registered with the Commission but which do not receive contributions or make expenditures in excess of $1,000 during a particular calendar quarter. Generally, a committee is required to file a report of receipts and expenditures for each calendar quarter in which it received contributions in excess of $1,000, or made expenditures in excess of $1,000. 2 U.S.C. 434(a)(1)(C). The Commission is required to prepare and publish special reports listing those candidates for whom reports were filed as required and those candidates for whom such reports were not filed as so required. 2 U.S.C. 438(a)(7). If a political committee has registered with the Commission and has previously filed quarterly reports, the Commission will not know, in the absence of other information, whether such a committee has a continuous reporting obligation. Therefore, at the close of the first calendar quarter in which the committee does not receive or expend $1,000, the committee must notify the Commission that "no more than $1,000 was received or expended" during that calendar quarter and that quarterly reports will be suspended until such time as the committee receives or expends $1,000 during a calendar quarter. Upon receipt of this type of notification, the Commission will remove the committee from the list of committees required to file quarterly reports. The Commission is in the process of developing a short form for this purpose.

This procedure will not affect the committee's obligation to file a pre-election report, 2 U.S.C. 434(a)(1)(A), or an end of the year report, 2 U.S.C. 434(a)(1)(B). If the committee determines that it has not received contributions or made expenditures during the calendar *year* in an aggregate amount exceeding $1,000, the committee must so report to the Commission in the calendar year report. 2 U.S.C. 433(d). The Commission will, as noted in Part 1, promulgate regulations pertaining to reporting by committees with outstanding debts and obligations.

3. The third question concerns the time limit which is imposed between the receipt of a campaign contribution and the deposit of such a contribution in a campaign account. The Commission is currently in the process of proposing regulations which would establish such a time limit. Until such time as the regulations are prescribed, the Commission will require the contribution to be deposited within a reasonable time. The Commission considers five days after the receipt of the contribution by the treasurer of

other designated official of the political committee to be a reasonable time limit in which to deposit the contribution.

4. The last question is whether a political committee is prohibited by 18 U.S.C. 610 from accepting a contribution from a VFW Post which is incorporated.

Section 610 prohibits *"any corporation whatever"* from making a "contribution or expenditure in connection with any election" to Federal office and prohibits a candidate, political committee or person from accepting such a contribution.

The prohibitions in 610 apply, with limited exception, to contributions or expenditures by nonprofit corporations just as they apply to contributions or expenditures made by profit-making corporations. If a nonprofit organization is created expressly and exclusively to engage in political activities, however, and has incorporated for liability purposes only, the general prohibitions in 610 will not apply to that corporation. That type of corporation is essentially a political committee and may contribute its assets to Federal candidates the same as unincorporated political committees. Other types of nonprofit corporations are subject to the prohibitions in 610, and, therefore, a candidate or political committee is prohibited from accepting a contribution from these types of nonprofit corporations.

A corporation which is subject to the prohibitions in 610 may, however, establish a separate segregated fund and may make contributions and/or expenditures in connection with Federal elections from that fund. A candidate or political committee may, in turn, accept a contribution from the separate segregated fund of a corporation.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: August 13, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-21667 Filed 8-18-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-30; opinions 1975-8, 1975-13]

HONORARIUMS AND RELATED BENEFITS FOR MEMBERS OF CONGRESS, AND LEGALITY OF PRESIDENTIAL CANDIDATE RECEIVING TRAVEL EXPENSES FROM CORPORATIONS

Advisory Opinions

The Federal Election Commission announces the publication today of Advisory Opinions 1975–8 and 1975–13. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

ADVISORY OPINION 1975–8: HONORARIUMS AND RELATED BENEFITS FOR MEMBERS OF CONGRESS

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests for advisory opinions submitted by Congressman Dan Rostenkowski, Congressman Rhodes, and Senators Mike Mansfield and Hugh Scott which were published together as AOR 1975–8 in the July 2, 1975, FEDERAL REGISTER (40 FR 28044). Interested parties were given an opportunity to submit written comments relating to the requests.

A. *Request of Congressman Dan Rostenkowski.* Congressman Rostenkowski in his letter of May 8, 1975, asks for clarification of Section 616 of Title 18, United States Code, which provides limitations on the acceptance of honorariums. He generally describes situations in which a Member of Congress prefers not to accept an honorarium for a speech, and instead suggests to the speech's sponsor that at least part of the intended honorarium could be donated to one of two bona fide charitable organizations. The donation would not be a prerequisite to or a requirement for making the speech. Congressman Rostenkowski wishes to know whether the amount of the donation to charity by the other party will count towards the honorarium limits of a Congressman. Specifically, the following circumstances are described:

(1) A Member of Congress is offered a $500.00 honorarium to speak at a convention when he already has accepted $4,000 in honoraria during the calendar year. Congressman Rostenkowski asks whether the honorarium is considered accepted if the Congressman declines the entire honorarium and suggests instead that it be given to either of two specific charities which are named by that Congressman;

(2) A Member of Congress is offered a $1,500 honorarium to speak at a convention when he already has accepted $4,000 in honoraria during the calendar year. Congressman Rostenkowski asks whether the honorarium is considered accepted if the Congressman specifies that he will accept only $1,000 of the honorarium and suggests that a $500.00 donation be given to either of two specific charities which are named by that Congressman;

(3) A Member of Congress is offered a $500.00 honorarium to speak at a convention when he already has accepted his limit of $15,000 in honoraria during the calendar year. Congressman Rostenkowski asks whether the honorarium is considered accepted if the Congressman agrees to make the speech but declines the honorarium, and suggests instead that it be given to either of two specific charities which are named by that Congressman.

Do these transactions constitute acceptance of an honorarium, and therefore come within the provisions of 18 U.S.C. § 616?

Section 616 of Title 18, United States Code, provides that:

> Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—
>
> (1) accepts any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or
>
> (2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than $15,000 in any calendar year; shall be fined not less than $1,000 nor more than $5,000.

This section on its face strictly limits the financial benefits that a Member of Congress may receive from the acceptance of an honorarium. The legislative history of the section indicates that this view accords with the intent of Congress. This history shows a strong Congressional concern with limiting the amounts, and thus the benefits, that a Federal official may receive in exchange for an appearance, speech, or article. Congress does not evidence in this section any interest in specifically exempting from the limitations, honorariums that are accepted and subsequently applied to a particular purpose, no matter how commendable may be this purpose. Even the indirect acceptance of an honorarium for subsequent charitable use can produce benefits for a Member of Congress. For example, he thereby may become entitled to an income tax deduction for making a charitable contribution. A Congressman also could receive valuable public exposure by donating to charity an honorarium which he possessed or controlled. Accordingly, to implement Congress' intent to limit the benefits which may be received from honorariums, it is the opinion of the Commission that the limits imposed by 18 U.S.C. § 616 shall apply to any honorarium accepted by a Congressman in exchange for an appearance, speech, or article.

The question then arises as to what action by a Member of Congress constitutes acceptance of an honorarium. An honorarium is considered to have been "accepted" under 18 U.S.C. § 616 when there has been active or constructive receipt of the honorarium and the federal officeholder or employee exercises dominion or control over it. A federal officeholder or employee is considered to have accepted an honorarium if he receives it for his personal use, if he receives it with the intent or subsequently donating the honorarium to charity, if he directs that the organization offering the honorarium give the honorarium to a charity which he names, or if he suggests that the honorarium might be given to a charity of the organization's own choosing. In addition, a Federal officeholder or employee will be presumed by the Commission to have accepted as an honorarium, any charitable donation made by an organization in the name of that Federal officeholder or employee, assuming that sometime earlier the officeholder or employee had made an appearance or speech, or written an article, for the donating person or organization.

The Commission intends to apply its policy on honorariums as follows:

(1) If a Congressman declines an entire honorarium and instead requests that it be given to either of two specific charities, the honorarium will be treated as accepted by the officeholder. In this case, a Congressman would be sufficiently attempting to influence an organization's choice of recipients as to constitute, for purposes of 18 U.S.C. § 616, the exercise of dominion.

(2) If a Congressman wishes to accept part and decline part of a proposed honorarium and suggests that the difference in amount be given to either of two specific charities, the honorarium will be treated as accepted by the officeholder. By suggesting how the proposed honorarium should be allocated, a Congressman would exercise sufficient dominion over the honorarium to constitute acceptance under 18 U.S.C. § 616.

(3) If a Congressman declines an entire honorarium to avoid exceeding the aggregate limit on honoraria and then suggests that it be given to either of two specific charities, the Commission would conclude that the honorarium has been accepted by the officeholder. For purposes of 18 U.S.C. § 616, the honorarium has been accepted by the officeholder through an attempt to exercise sufficient dominion and control over its use. Therefore, the officeholder would have violated the limits provided in this section.

The Commission does not wish to discourage charitable donations by Federal officeholders or employees, either directly or indirectly, nor charitable donations by any organization, but it will examine the particulars of each donation for any improper implications under 18 U.S.C. § 616.

This section of this opinion assumes that the officeholder receiving the honorarium is not making an appearance or speech before a substantial number of people who comprise a part of the electorate with respect to which the officeholder is a Federal candidate. Compare part C of this opinion.

B. *Request of Congressman John J. Rhodes.* Congressman Rhodes in his letter of May 6, 1975, requests an advisory opinion as to whether a Member of Congress may request, in lieu of an honorarium for a speech, that an organization make an appropriate donation to a charitable organization. Congressman Rhodes

asks whether a Member of Congress, who has already received the full amount of honoraria permitted by the cited statute, would be in violation of the law if he or she requires or requests that the sponsors of the Member's appearance donate an amount equal to, but in lieu of the honorarium, directly to "bona fide charities" named by the Member or the donor.

The principles established in part A of this advisory opinion also are applicable to this request. Accordingly, no further elaboration is necessary.

The opinion presented in part A of this advisory opinion may be relied upon as controlling the factual situation presented in this request, and if there is good faith compliance with that part of the opinion, there will be a presumption of compliance with the provisions of 18 U.S.C. §616, pursuant to 2 U.S.C. §437f (b), with respect to the issues raised by this request.

C. *Joint Request of Senators Mansfield and Scott.* Senators Mike Mansfield and Hugh Scott in their joint letter of June 26, 1975, request an advisory opinion as to whether travel and subsistence expenses are included in the limitation on honorariums. Specifically, they ask whether a Member of Congress, who has reached the aggregate limit of $15,000 in a calendar year, may accept a speaking engagement, receive no honorarium, and still be able to have travel and subsistence expenses paid by the sponsor of the enagement. As a related issue, they ask whether a sponsor of a speaking engagement may provide travel and subsistence expenses in these circumstances, if the sponsor would ordinarily and otherwise be prohibited from making a campaign contribution.

It is provided in 18 U.S.C. § 616 that:

> Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—
>
> (1) accepts any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or . . . shall be fined not less than $1,000 nor more than $5,000.

Thus, this section on its face shows a legislative intent to treat "actual travel and subsistence expenses" differently from honorariums. The legislative history of 18 U.S.C. § 616 confirms that this view accords with the intent of Congress. (See *Congressional Record*, daily edition, October 8, 1974, S. 18526.) The legislative history shows a clear Congressional intent to exclude money given for actual transportation expenses, accommodations, and meals, from any amount given as an honorarium to an elected or appointed officer or employee of the Federal Government. It should be noted that the Internal Revenue Code similarly distinguishes between an honorarium, which is treated as income, and expenses for transportation, accommodations, and meals which are deductible from income as an ordinary and necessary cost of doing business.

Accordingly, it is the opinion of the Commission that the actual costs of transportation, accommodations, and meals are excluded from the limitations on honorariums provided in 18 U.S.C. § 616. Thus, Members of Congress who reach the aggregate limit of $15,000 on honorariums received in any calendar year may continue to accept speaking engagements for which they receive only their own personal actual transportation, accommodation, and meal expenses.

It is further asked whether an organization could provide reimbursement for these expenses, even if the organization is prohibited from making campaign contributions. The language of 18 U.S.C. § 616 expressly applies to any "elected or appointed officer or employee of any branch of the Federal Government." A review of the legislative history of this section (see the *Congressional Record*, daily edition, August 7, 1974, H. 7816; and October 8, 1974, S. 18526) indicates that the intent of Congress in enacting this section was to limit the amounts of honorariums received by Federal officeholders and employees.

On the other hand, 18 U.S.C. § 610 which prohibits contributions or expenditures by a national bank, corporation, or labor organization and 18 U.S.C. § 611 which prohibits contributions by government contractors, are more broadly applicable to contributions or expenditures made to any candidate in connection with any election to federal office. Thus, it seems clear that 18 U.S.C. § 616 is not intended to supercede the application of 18 U.S.C. § 610 and § 611 to officeholders once they become candidates. Accordingly, once an individual (including an officeholder) becomes a candidate for federal office, all speeches made before substantial numbers of people, comprising a part of the electorate with respect to which the individual is a federal candidate, are presumably for the purpose of enhancing the candidacy and the candidate is prohibited from accepting expense money for transportation, accommodations and meals from organizations covered by 18 U.S.C. §§ 610 and 611. See Advisory Opinion 1975–13, issued August 14, 1975.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Advisory Opinion 1975–13: Legality of Presidential Candidate Receiving Travel Expenses From Corporations

The Federal Election Commission renders this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by a candidate. The request was made public by the Commission and published in the Federal Register on July 17, 1975 (40 FR 30258). Interested parties were given an opportunity to submit comments relating to the request.

The requesting party seeks an advisory opinion as to whether 18 U.S.C. § 610 prohibits a Presidential candidate from receiving travel expenses for a speaking engagement at a Chamber of Commerce, if the Chamber's general treasury includes money contributed by corporations.

Section 610 prohibits corporations from making contributions or expenditures in connection with Federal elections, and prohibits any person from accepting or receiving any such contributions or expenditures. As used in section 610, contribution includes "any direct or indirect payment, * * * to any candidate, * * * in connection with any election to [Federal office] * * * *" Thus, reimbursing the travel expenses of a Presidential candidate from corporate funds would be prohibited by 18 U.S.C. § 610, since any public appearance of such a candidate before an audience, comprised of individuals who could be influenced to take affirmative action in support of his candidacy as result of that appearance, is connected with an election.

The Commission's opinion is that, once an individual has become a candidate for the Presidency, all speeches made before substantial numbers of people are presumably for the purpose of enhancing his candidacy. (See also Advisory Opinion 1975–8 issued August 14, 1975, in which the Commission decided that certain travel and subsistence expenses paid to officeholders who are also candidates are subject to 18 U.S.C. § 610 and § 611). Accordingly, since the requesting party is a Presidential candidate, he would be prohibited from accepting corporate funds to pay his travel expenses in connection with the speaking engagement. The Commission notes, however, that organizations, such as Chambers of Commerce, could properly (within the limits of 18 U.S.C. § 608) pay the travel expenses of candidates by making such payments from separate segregated accounts containing non-corporate funds.

Dated: August 18, 1975.

Thomas B. Curtis,
Chairman for the
Federal Election Commission.

[FR Doc.75-22096 Filed 8-20-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975–35; A.O. 1975–7, –17]

MEMBERS OF CONGRESS; CONSTITUENT SERVICES CONTRIBUTIONS AND EXPENDITURES AND CAMPAIGN CONTRIBUTIONS FROM PARTNERSHIPS

Advisory Opinions

The Federal Election Commission announces the publication today of Advisory Opinions 1975–7 and 1975–17. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

ADVISORY OPINION 1975–7

CONTRIBUTIONS AND EXPENDITURES RELATING TO THE CONSTITUENT SERVICES OF CONGRESS

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests for advisory opinions submitted by Mr. Thomas J. Kern for Congressman Dave Evans, Congressman John P. Murtha, and Senator Jake Garn, which were published together as AOR 1975–7 in the July 2, 1975, FEDERAL REGISTER (40 FR 28044). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests generally ask the Commission, under the Federal Election Campaign Act of 1971, as amended, and Title 18 of the United States Code (the Act), what types of contributions to and expenditures by an office account are permissible, and how these accounts shall be reported and administered. Specifically, the following requests were made:

(a) Thomas J. Kern, administrative assistant for Congressman Dave Evans, states that the Congressman has established two fundraising entities to support the Representative's political activities. One entity is the principal campaign committee of the Congressman and the other is an office account (called here a "constituent service fund") set up to collect funds to assist Congressman Evans in providing services for his constituents.

Donations to the office account will be used for printing newsletters; holding neighborhood office hours; conducting meetings and seminars with representatives of governmental and private agencies, and with elected and appointed officials of the cities, counties and towns of the District; holding periodic open house activities at the District and Washington offices, providing constituents with flags, publications and certain other items that must be purchased; and for other expenses incurred in connection with the Congressman's services for his constituents. The account will not be used to present or promote the views of any political party or philosophy or to influence the re-election of Congressman Evans. Mr. Kern asks whether the office account is a political committee under the Act. He also asks how the sponsor of a fundraising event for the benefit of an office account should be identified, and what disclosure requirements are applicable to the use of the proceeds from such an event;

(b) Congressman John P. Murtha states that he has established a franking account (called here a "public service committee") which is used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents. Congressman Murtha asks whether a corporation may make a donation to such an account without violating the statutory provisions governing political contributions; and

(c) Senator Jake Garn asks whether an incumbent Senator or Representative may engage in attitudinal research with his constituency for purposes of measuring the voters' sentiments on policy issues, job approval perceptions, and the like, without having these expenditures allocated against any applicable spending limitation. The proposed polls will ask questions for statistical purposes, open end questions, and forced response questions, but will not ask questions relating to political trial heats. Senator Garn asks further whether the fact that a Member of Congress is a candidate will make any difference in the use of issue-oriented opinion research.

As stated in AO 1975–14 on "Contributions by Banks, Corporations, and Labor Unions to Defray Constituent Service Expenses" (40 FR 34084, August 13, 1975), "[i]t is clear that the Federal Election Commission has the duty to formulate general policy with respect to the Act (2 U.S.C. 437d(a)(9)), has the power to regulate amounts contributed to a holder of Federal office in order to defray expenses arising in connection with that office (2 U.S.C. 439a), has the power to formulate general policy regarding contributions and expenditures (18 U.S.C. 608), and has the power to formulate general policy regarding contributions or expenditures by national banks, corporations or labor organizations (18 U.S.C. 610)." Congress has the discretion and power to appropriate sufficient money for staff salaries, newsletters, stationery, travel, constituent services, and the other legislative expenses of a Member of Congress to assure the performance of the Member's legislative duties. Accordingly, except for money raised pursuant to 39 U.S.C. 3210(f), additional money which is raised by a Member or his supporters shall be treated as a contribution made for purposes of influencing a Federal election and shall be controlled by all appropriate limitations. Similarly, except for money expended pursuant to 39 U.S.C. 3210(f), additional money which is expended from an office account shall be treated as an expenditure intended for purposes of influencing a Federal election and shall be controlled by all appropriate limitations. As provided in 3210(f) of Title 39, United States Code, money which is contributed and expended for the preparation or printing of material to be mailed under the frank shall be treated as a contribution or expenditures for disclosure purposes of the Act, although not for purposes of the contribution and expenditure limitations provided in 18 U.S.C. 608.

The Commission intends to apply its policy on office accounts as follows:

(a) It is the opinion of the Commission that an office account established to provide services for the constituents of a Congressman shall report as if such account is a political committee and contributions to, expenditures by, and the general operation of an office account should be reported and otherwise treated as provided in Notice 1975–18 of the Federal Election Commission "Office Accounts and Franking Accounts; Excess Campaign Contributions" (40 FR 32951, August 5, 1975). See also AO 1975–14, supra. As provided in Notice 1975–18 and AO 1975–14, all private contributions received by or on behalf of a Federal officeholder for use by his office account may be deposited in such account or an account of the officeholder's principal campaign committee, pursuant to 2 U.S.C. 437b. Also as provided in Notice 1975–18, money received for the preparation or printing of material to be sent under the frank (e.g., a newsletter), other than funds appropriated for legislative activities shall be deposited in a separate segregated franking account which shall report as provided in that notice.

Monies expended from such accounts, other than the franking account, will be counted toward the officeholder's campaign expenditure limits under 18 U.S.C. 608(c). A Congresman holding a fundraiser should identify that the fundraising is being conducted by either the Congressman's principal campaign committee, his office account or his franking account.

The Commission also is requested to provide guidance as to whether a person holding a fundraiser for the benefit of an office account should state that a donation to the office account is not tax deductible or subject to a tax credit. The Commission is unable to provide such guidance as it lacks authority to rule with regard to such tax consequences. Reference should be made to sections 41 and 128, Title 26, United States Code.

(b) It is the opinion of the Commission that corporate contributions to a franking account, used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents, are prohibited under 18 U.S.C. 610. While exempt from the limitations in 18 U.S.C. 608 (see 39 U.S.C. 3210(f)), contributions and expenditures for the preparation or printing of material to be mailed under the frank shall otherwise be treated as contributions and expenditures for purposes of the Act, (including the pertinent provisions of Title 18). Since the proposed contribution would be derived from general corporate funds and not from separate voluntary funds to sup-

port the franking accounts of Congressmen, the contribution by the corporation would be prohibited under 18 U.S.C. 610.

(c) A Member of Congress may, of course, make expenditures for attitudinal research within his constituency for purposes of measuring the voter's sentiments on policy issues, job approval perceptions, and the like. However, unless the expenditures for the attitudinal research are paid from funds appropriated for legislative purposes by Congress or from a Congressional franking account and are used to print or prepare matter mailed under the frank, they will be treated as an expenditure from the Member's office account and will be subject to the limitations provided in 18 U.S.C. 608 as well as the other provisions of the Act. See Notice 1975–18, supra. The fact that a Member of Congress is an announced candidate thus would not make any difference in how expenditures for attitudinal research will be treated.

The provisions of this opinion represent the opinion of the Commission as to the effect of 2 U.S.C. 437(a)(9), 2 U.S.C. 439a, 18 U.S.C. 608, 18 U.S.C. 610, and 39 U.S.C. 3210(f) on contributions and expenditures from the office or franking account of a Federal officeholder.

The provisions of this opinion are reflected in the proposed regulations which the Commission has submitted to Congress, see Notice 1975–18, supra.

Pursuant to the Administrative Procedure Act the Commission will hold public hearings on the proposed regulation on September 16 and 17, 1975, at the U.S. Court of Claims in Washington, D.C.

ADVISORY OPINION 1975–17

CAMPAIGN CONTRIBUTIONS FROM A PARTNERSHIP

This advisory opinion is rendered under 2 U.S.C. 437(f) in response to a request for an advisory opinion submitted by Congressman Neal and published in the July 17, 1975 FEDERAL REGISTER (40 FR 30259). Interested parties were given an opportunity to submit written comments relating to the request.

The question raised in Congressman Neal's request is "[h]ow much money in campaign contributions may a candidate for Federal office accept from a partnership" under the Federal Election Campaign Act of 1971, as amended in 1974.

Section 608(b)(1) of Title 18, United States Code, states that:

(1) Except as otherwise provided by paragraphs (2) and (3) *no person* shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed $1,000 (italic added for emphasis).[3]

[3] The exceptions to 18 U.S.C. 608(b)(1) are not relevant to the question of the amount a candidate may receive from a partnership, and contributions to a candidate for nomination to the office of President are subject to an overall $1,000 limit during the entire pre-nomination period. See 18 U.S.C. 608(b)(5).

Section 591(g) of Title 18, United States Code, defines "person" as an individual, *partnership*, committee, association, corporation, or any other organization or group of persons, * * *" (italic added for emphasis).

It is the opinion of the Commission that the cited statutory provisions impose a $1,000 limit on the amount a partnership may contribute to a candidate for Federal office with respect to each separate election wherein that candidate seeks nomination or election. The Commission further concludes that when a partnership makes a contribution to a candidate for Federal office it counts against each individual partner's limitation under 18 U.S.C. 608(b)(1) in direct proportion to each partner's share of partnership profits. For example, in the case of a four member partnership (each partner having an equal share) which makes a $1,000 contribution to a Federal candidate, one-fourth of the $1,000, or $250, is counted toward each individual partner's limit. Therefore, each partner may contribute no more than an additional $750 to the same Federal candidate with respect to the same election.

Under the general theory of partnership law a partner is an agent for the partnership, and the partnership has no legal capacity to act as a person in its own right. Therefore, even though a partnership is a "person" for purposes of 18 U.S.C. 608(b), as well as 2 U.S.C. 431, *et seq.* contributions made in the partnership's name must be attributed to the individual partners in relation to each partner's interest in the partnership profits. Furthermore, when a contribution is made in the partnership name without accompanying information as to each partner's proportionate share thereof, the candidate or committee recipient must obtain a written statement providing the requisite information within 30 days after receiving the contribution.

If this information is not timely obtained the contribution must be returned. Otherwise, the candidate or committee will be regarded as in violation of 18 U.S.C. 614 which prohibits an individual from making a contribution in the name of another "person," i.e. partnership, and also prohibits the knowing acceptance of such a contribution.

Dated: August 22, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-22941 Filed 9-2-75;8:45 am]

[Notice 1975–33; A.O. 1975–10]

INTERNAL TRANSFERS OF FUNDS BY CANDIDATES OR COMMITTEES

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975–10. The Commission's opinions are in response to questions raised by individuals holding Federal Office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

ADVISORY OPINION 1975–10

INTERNAL TRANSFERS OF FUNDS BY CANDIDATES OR COMMITTEES

This advisory opinion is rendered under 2 U.S.C. 437f in response to four requests, published as AOR 1975–10 in the July 9, 1975 FEDERAL REGISTER (40 FR 28944). All of the requests relate to various types of transfers of funds by candidates or political committees. Interested parties were given an opportunity to submit written comments pertaining to the requests.

A. *Request of Congressman John J. McFall.* The issue presented is whether a principal campaign committee of a candidate for Federal office may transfer funds from a checking account at a designated campaign depository to a savings account in the same bank or to a savings account in another financial institution which is not a designated campaign depository.

Section 437b(a)(1) of Title 2, U.S. Code, provides that "[e]ach candidate shall designate one or more national or State banks as his campaign depositories." This section further requires that the principal campaign committee shall maintain a checking account at the designated depository, shall deposit any contributions received by it into such account, and shall make all expenditures from said checking account. The statute is silent as to the establishment and use of savings accounts.

It is clear that the statute requires all contributions and all expenditures to pass through the checking account at the designated campaign depository. However, the statute would not preclude a transfer from a checking account to a savings account if full disclosure is made and the committee retains its complete control of the funds so transferred at all times.

To assure compliance with the reporting requirements of 2 U.S.C. 434(b) and the specific language of section 437b(a)(1) that all contributions and all expenditures flow through the checking account at the designated depository, the Commission will require:

(1) That all funds transferred from the checking account described above to any savings account, certificates of deposit or other interest bearing account be reflected clearly on the reporting forms required to be filed with the Commission under 2 U.S.C. 434(b);

(2) That all funds transferred out of the designated checking account, as described above, be eventually transferred back into such account and clearly reflected on the reporting forms required to be filed with the Commission under 2 U.S.C. 434(b);

(3) That any interest earned from funds transferred to any savings account, certificates of deposit or other interest-bearing account be timely reflected on the reports required to be filed with the Federal Election Commission under 2 U.S.C. 434;

(4) That no expenditures be made from any funds transferred to an account other than the checking account at the designated campaign depository.

B. *Request of Thomas Coleman.* This request raises the question as to how one should report the transfer of surplus campaign funds remaining from an election campaign for local or State office to a Federal election campaign committee. The Commission's response to this question should not be construed as adversely affecting any donor's rights provided by State law as to the use of the donor's original contribution made in connection with a campaign for State or local elective office.

Funds received by a political committee which are transferred from any other source are contributions as defined in 2 U.S.C. 431(e)(3). As such, they are required to be reported under the provisions of 2 U.S.C. 434(b)(2)(4) and (7). Specifically, full information as to the source of all funds transferred to a reporting political committee, as well as the amounts and dates of all individual contributions included in the transfer, must be reported. The Commission agrees that Mr. Coleman may presume that the surplus transferred to his Federal campaign committee is comprised of those individual contributions last received before the State election. The Commission contemplates future regulations that will provide more specific guidance as to the proper reporting of transfers of this type.

The Commission also concludes that the funds to be transferred to the Federal campaign committee may not include any contributions by national banks or corporations, labor organizations, Government contractors, or agents of foreign principals. See 18 U.S.C. 610, 611, and 613. Furthermore, no contributions which exceed $1,000 from any one person and were made after January 1, 1975, may be transferred to the Federal campaign committee. Finally, any funds that were under Mr. Coleman's personal dominion and control, although contributed to a State campaign committee, may be transferred to the Federal campaign committee only to the extent permitted under 18 U.S.C. 608(a).

C. *Request of the Circle Club.* The question presented is whether a pre-existing political committee with residual funds may obtain consent from the original contributors of these funds to "earmark" their contributions for a specific Federal candidate, and transfer said earmarked contributions to the principal campaign committee of the candidate designated by the contributor.

Under 18 U.S.C. 608(b) persons (other than qualified multicandidate political committees) may not lawfully make contributions to any Federal candidate in excess of $1,000 with respect to any election. Subsection (b)(2) allows certain political committees to make $5,000 contributions to any Federal candidate with respect to each separate election.

In the event that contributions are earmarked by the donor (or on the donor's behalf), or otherwise directed through an intermediary or conduit to a particular candidate, they are treated as contributions to that candidate from the original donor and are, therefore, subject to applicable limits under section 608(b). Section 608(b)(6) would not apply to situations where donors relinquish complete control over their contributions and do not at a later time regain such control either by actual return of their contribution or, as in this instance, by request of the recipient committee for authorization to earmark a contribution originally given without such restriction. Since in this case the committee will be asserting some control over the earmarking by reason of the fact that it will actively seek to obtain consent from the donors to earmark funds for a specific Federal candidate, it follows that the committee, as well as the original donor, should be regarded as having made the contribution.

Hence, both aspects of the transaction are subject to limitation under 18 U.S.C. 608(b)(1). The committee must regard its involvement in procuring the authorization to earmark as tantamount to its own contribution and, therefore, subject to the $5,000 limit in 18 U.S.C. 608(b)(2), if it is otherwise qualified to make contributions in that amount. Further, such designated contributions must be reported to the Commission and the intended recipient by the political committee as provided in 18 U.S.C. 608(b)(6). Until issuance of final regulations, this may be accomplished by complying with the reporting provisions of 2 U.S.C. 434(b) and the earmarking regulations issued by the previous supervisory officers and adopted by the Commission on an interim basis on June 2, 1975, 40 FR 23833.

D. *Request of Senator James Buckley.* The Friends of Jim Buckley Committee has established an internal method of allocating political expenditures from "non-political" expenditures for constituent services. The Committee has solicited funds for both political and non-political purposes through its fundraising appeals. Senator Buckley requests an opinion as to:

(1) Whether the Commission will recognize the functional distinction between the two types of expenditures;

(2) Whether it will be necessary to establish another committee to handle funds expended for constituent services; and

(3) If a separate committee is established, whether a separate committee for constituent services will be able to receive funds from the political committee.

The matter of constituent service accounts is controlled by the provisions of 2 U.S.C. 439a and such rules as may be necessary to carry out the provisions of section 439a. The Commission has formally proposed such rules which treat contributions to and expenditures by constituent service funds as transactions of a political committee. See Notice 1975-18, August 5, 1975 (40 FR 32951).

Furthermore, in Advisory Opinion 1975-14, decided August 7, 1975, the Commission held that contributions to constituent service accounts are subject to 18 U.S.C. 608, 610, 611, 613, 614, and 615. Accordingly, the Commission has no objection to transfers of funds from the existing political committee to another one newly organized, but recognizes no functional distinctions between the two types of expenditures described in the request. Finally, the Commission concludes that all expenditures made by either the existing political committee or a new constituent service committee are subject to the spending limits applicable to a candidate under 18 U.S.C. 608(c).

Dated: August 21, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22658 Filed 9-2-75;8:45 am]

[Notice 1975-37, AOR 1975-38—AOR 1975-57]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-38 through 1975-57 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-38: Use of Excess Campaign Funds for Office Expenses and Federal Preemption (Request Edited by the Commission).

GENTLEMEN: I am writing to request advisory opinions on the following questions, with regard to the Federal Election Laws.

(1) If I, as a Member of Congress, elect to use left-over campaign funds for

FILE THE FOLLOWING 12 PAGES UNDER "ADVISORY OPINION REQUESTS"

FEDERAL ELECTION COMMISSION

[Notice 1975-29, AOR 1975-24—AOR 1975-37]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-24 through 1975-37 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views within respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commision, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-24: Constituent Service Committees, Office Accounts and Newsletter Accounts.

A. Request of Representative Martha Keys (Request Edited and Paraphrased by Commission).

GENTLEMEN:

* * * * *

The Martha Keys Congressional Forum is an unincorporated committee having two officers, a chairman (volunteer) and a secretary-treasurer (Congressional Staff member). Membership is limited to individuals on a per family basis and all payouts from the committee will be for office-newsletter expenses, deductible to the Member and are not campaign expenses. All members have been notified that their contributions are not deductible.

Records of income and expenses will be kept by the secretary-treasurer who will be the only authorized signature on the account. Regular reports will be made to members of the Forum and put in The Congressional Record at least every six months.

We will attach a schedule of the Forum receipts and expenditures to Mrs. Keys' personal income tax return, reporting any balance in the fund at year end as income. The records of the Forum will be maintained by the same certified public accounting firm that prepares Mrs. Keys' personal return to insure that an accurate accounting is made.

* * * * *

[We request an advisory opinion as to whether above practices meet the requirement of the Federal Election Campaign Act of 1971, as amended.]

JAMES P. BUCHELE,
Administrative Assistant.

Source: James P. Buchele, Administrative Assistant to Representative Martha Keys, 1207 Longworth House Office Building, Washington, D.C. 20515 (May 1, 1975).

B. Request of J. J. Pickle Political Trust Fund (Request Edited by the Commission).

DEAR MR. CURTIS:

* * * * * *

Prior to 1974, a non-campaign type trust fund was formed for the purpose of making expenditures for non-reimbursable, non-campaign items incurred by Congressman J. J. "Jake" Pickle in connection with his official duties as U.S. Representative from the 10th Congressional District of Texas. These expenditures were not for the purpose of "influencing the nomination or the election of any person to Federal office" and, therefore, were not considered to be "expenditures" as defined and required to be reported by the Federal Election Campaign Act. Such expenditures included the cost of newsletters to constituents, unreimbursed trips to the District, constituent luncheons, District newspaper subscriptions, etc. In late summer, 1973, this trust fund was exhausted.

Proceeds from a fund-raising function in October, 1973, were used to finance a new trust fund, entitled the J. J. Pickle Political Trust Fund, of which I am Chairman. Funds were transferred in 1974 from the Trust Fund to the J. J. Pickle Re-election Committee which was a duly organized "political committee" whose purpose was to conduct Congressman Pickle's re-election campaign in 1974. All contributions received and expenditures made by the Re-Election Committee were reported pursuant to the requirements of the Federal Election Campaign Act. In addition, the Trust Fund was organized as a "political committee" under the Federal law, and all contributions to and expenditures by the Trust Fund have been reported and filed with the Clerk of the House.

As of December 31, 1974, the Re-Election Committee was dissolved, and its surplus transferred back to the Trust Fund. The Trust Fund is still organized as a "political committee", and I have continued to file reports for the Trust Fund in 1975 even though the expenditures from this fund have been non-campaign in nature, i.e. not for the purpose of influencing the nomination or election of any person to Federal office.

I * * * request an advisory opinion on the following questions:

1) If the Trust Fund receives contributions and makes expenditures for the sole purpose of reimbursing Congressman Pickle for expenses incurred in connection with his official duties but non-reimbursable by the U.S. House of Representatives, is the Trust Fund required to remain organized and report as a "political committee" under the Federal Election Campaign Act, as amended?

2) Is the Trust Fund required to organize, or to remain organized, and report as a "political committee" if the Trust Fund transfers funds to a "political committee" which will serve as Congressman Pickle's "principal campaign committee" and which also will report the required information concerning the original contributors of the transferred funds?

3) If the Trust Fund is not required to organize, or to remain organized, and to report as a "political committee", do the expenditures made by the Trust Fund for the purpose of reimbursing the Congressman for non-reimbursable expenses incurred in connection with his official duties count toward the limits imposed on expenditures in the Federal campaign by the Federal Election Campaign Act Amendments of 1974?

4) If the Trust Fund is required to organize, or to remain organized, and to report as a "political committee", do the expenditures made by the Trust Fund for the purpose of reimbursing the Congressman for non-reimbursable expenses related to his official duties count toward the limits imposed on campaign expenditures by the Federal law?

* * * * *

R. L. PHINNEY,
Chairman.

Source: R. L. Phinney, Chairman, J. J. Pickle Political Trust Fund, 1907 Exposition Blvd., Austin, Texas 78703 (July 16, 1975).

C. Request of Representative Christopher J. Dodd (Request Edited and Paraphrased by the Commission).

Dear CHAIRMAN CURTIS:

* * * * *

There is a group of businessmen in my district who wish to form a Congressional Club. The purpose of this club would be for them to meet with me on a regular basis so that they can inform me about their problems, and I can report to them about current legislation which is relevant to them.

The group would meet on a monthly, or perhaps bi-monthly basis, and they would be willing to pay my travel expenses (round-trip transportation only) for this purpose.

Because of the value such a program would have to the businessmen in my district as well as to myself, I would like to see it be implemented.

I [request an advisory opinion: (1) as to whether the Federal Election Campaign Act of 1971, as amended] * * * would prohibit such a group from assuming the cost of my travel for this designated purpose [and (2) if so,] * * * as to how the basic concept might be adapted in order to comply.

* * * * *

CHRISTOPHER J. DODD,
Member of Congress.

Source: Representative Christopher J. Dodd, 429 Cannon House Office Building, Washington, D. C. 20515 (July 18, 1975).

D. Request of Mineta for Congress Committee (Request Edited and Paraphrased by the Commission).

DEAR SIRS: The [Mineta for Congress Committee requests an advisory opinion] in connection with expenditures for certain activities which are deemed to be political but may otherwise be objectionable on the ground that the disbursement is a diversion and considered as income received by the office holder. If for example:

1. An office holder mails out newsletters during regular intervals under a franking privilege, but the printing expenses of the newsletters are paid for by a committee;

Query: (1) Are such expenditures permissible? (2) Are the printing expenses of the newsletters paid for by the committee, a diversion by the office holder, requiring said office holder to declare such payment as income received?

2. Committee assists office holder by paying part of a telephone bill incurred at his administrative offices located in his district:

Query: (1) Is this type of an expenditure permissible? (2) Are political funds used to pay a part of telephone expenses incurred at administrative headquarters of office holder includible in his income?

* * * * *

GRANT SHIMIZU.

Source: Grant Shimizu, Attorney at Law, 724 North First Street, San Jose, California 95112 (June 25, 1975).

E. Request of Senator Gary W. Hart (Request Edited by the Commission).

An informal constituent services operation is in the process of being organized on behalf of Senator Gary W. Hart of Colorado. It is contemplated that funds will be solicited from the public and expenditures authorized under Senate Rule 42 will be made. Expenditures will be primarily for lease payments and operating expenses for the use of a mobile van. The van will travel to outlying areas of Colorado to make constituent services more accessible to Colorado residents.

Other expenditures authorized by Rule 42 may also be incurred.

It is not presently contemplated that any attempt will be made to qualify this operation as a "political campaign committee" under Section 41 of the Internal Revenue Code, so no funds solicited would qualify as a tax deductible political contribution.

I * * * request that you advise me whether this committee will be required to register and file reports with your office as a "political committee" pursuant to the Federal Election Campaign Act of 1971, as amended. * * *

* * * * *

HAROLD A. HADDON,
Attorney for Senator Hart.

Source: Harold A. Haddon, Attorney for Senator Hart, 2878 S. Oakland Circle E, Denver, Colorado 80232 (June 25, 1975).

F. Request of Senator Strom Thurmond (Request Edited and Paraphrased by the Commission).

DEAR MR. CHAIRMAN: I [request] an advisory opinion on several points regarding 24 U.S.C. 439a * * *.

Will the "non-campaign" expenditures of a principal campaign committee be reported separately, in a way that will not count against spending limitations, or must the funds be transferred out of the principal campaign committee to a segregated fund?

Are expenses such as (1) lunches in Washington for constituents and (2) small gifts (paperweights and letter openers with my name embossed) for constituents and press campaign expenditures, ordinary and necessary expenses incurred in connection with my duties as a Federal office holder * * *?

What is meant by the phrase "or any other lawful purpose"?

* * * * *

STROM THURMOND,
U.S. Senate.

Source: Senator Strom Thurmond, United States Senate, Washington, D.C. 20510 (April 30, 1975).

G. Request of Representative Christopher J. Dodd (Request Edited and Paraphrased by the Commission).

DEAR MR. CURTIS:

* * * * *

Congressman Dodd is preparing plans to make a television report to the people of the Second District in December 1975. This report will be in the nature of a "fireside chat" and will consist of a report to his constituents regarding his activities and the activities of the Congress during the year 1975.

His present intention is to solicit contributions from individual persons to defray the cost of these television programs. These contributions would not in any manner be considered political contributions but would, in my opinion, be considered amounts contributed to Congressman Dodd for the purpose of supporting his activities as a holder of Federal office. [I request an advisory opinion as to: (1) whether these amounts may be used by Congressman Dodd to defray the expense of television program which is an expense incurred by him in connection with his duties as a holder of Federal office, (2) whether the amount contributed and the expenditure thereof would be required to be disclosed under the provisions of 2 U.S.C. Sec. 431 *et seq.*, and (3) whether that amount would be subject to the limitations of 18 U.S.C. Sec. 608.]

THOMAS B. WILSON,
Treasurer,
Dodd for Congress Committee.

Source: Thomas B. Wilson, Treasurer, Dodd for Congress Committee, Suisman, Shapiro, Wool & Brennan, P.C., 1028 Poquonnock Road, Groton, Connecticut 06340 (July 11, 1975).

AOR 1975—25: Constituent Service Accounts; Contributions by Multi-candidate Political Committees to Defray Recount Expenses of 1974 Senate Elections (Request of National Republican Senatorial Committee and Democratic Senatorial Campaign Committee) (Request Edited by the Commission).

GENTLEMEN: This is a request on behalf of our respective Senatorial Committees for an advisory opinion dealing with the circumstances if any, under which expenditures by incumbent Senators for ordinary and necessary expenses of serving their constituents become campaign expenditures, subject to disclosure requirements and expenditure limits.

For years, Senators have assumed that such expenditures made from their own pockets or from a constituent service account were not subject to the campaign laws. However, we would appreciate a clarification of this issue from you as soon as possible.

Specifically, we would like you to consider a circumstance in which a Senator maintains a constituent service account over and above the allowances he receives from the U.S. Senate. The account is funded by donations from private doners and from the Senator himself. The account makes expenditures to publish and distribute newsletters under the frank to the Senator's constituents. Moreover, the account is used to pay the expenses of radio and television broadcasts to a Senator's constituents concerning his official duties. Other ordinary and necessary expenses of running the Senator's office may also be paid from time to time out of the account, but in no case are expenditures made to influence the result of a Federal election, in the traditional meaning of that phrase.

The question is whether or not payments from such an account are "expenditures", subject to the overall campaign spending limits imposed by Section 608(c) of Title 18, U.S. Code. A related question is whether or not donations from private donors into such account are "contributions", subject to the contribution limits in Section 608(b) of Title 18.

We would very much appreciate some rather specific guidance in this area. In passing, we stress the value of consistency with other bodies of law, particularly the franking statute (39 U.S.C., Section 3210) and applicable portions of the Internal Revenue Code.

In addition, our respective Committees have a difference of interpretation of the provisions of the 1974 Campaign Act Amendments relating to contribution limits for elections taking place prior to January 1, 1975, and we would appreciate having the Commission include in its ruling a determination of whether the $5,000 maximum contribution ceiling applies to elections occurring prior to the effective date of the Amendments. Specifically, can our respective Committees legally contribute more than $5,000 to help *defray the recount expenses* of any 1974 Senate elections.

J. BENNETT JOHNSTON,
Chairman, Democratic Senatorial Campaign Committee.

TED STEVENS,
Chairman, National Republican Senatorial Committee.

Source: J. Bennett Johnston, Chairman, Democratic Senatorial Campaign Committee, Room 130, RSOB, Washington, D.C. 20510 (June 11, 1975); Ted Stevens, Chairman, National Republican Senatorial Committee, Room 445, RSOB, Washington, D.C. 20510 (June 11, 1975).

AOR 1975–26: Contribution Limitations as Applied to Excess Senatorial Campaign Funds Deposited with National Republican Senatorial Committee (Request of National Republican Senatorial Committee) (Request Edited and Paraphrased by the Commission).

DEAR MR. CURTIS: In 1972, former Delaware Senator J. Caleb Boggs provided $11,402 in leftover funds from his own campaign to the National Republican Senatorial Committee as a depository, with the request that the funds be held by the Committee for the use of the 1976 Republican Senatorial candidate from Delaware. The Committee continues to hold and is prepared to distribute this amount to the Republican Senate candidate from Delaware pursuant to Mr. Boggs' instructions.

* * * I [request an advisory opinion of] the Commission as to whether the Committee can distribute these funds publican Senate candidate without being in violation of the $5,000 contribution limits contained in the Federal Election Campaign Act Amendments of 1974.

* * * * *

TED STEVENS,
U.S. Senator.

Source: Senator Ted Stevens, National Republican Senatorial Committee, Room 445, Senate Office Building, Washington, D.C. 20510 (July 14, 1975).

AOR 1975—27: Attorney's or Accountant's Fees As Expenditures.

A. Request of Warren E. Hearnes (Excluding Fees from Expenditure Limit (Request Edited and Paraphrased by the Commission).

Are expenses incurred by a candidate for legal and accounting fees paid for the purpose of complying with the Federal Election Campaign Act of 1971, as amended, expenditures for the purpose of a candidate's campaign expenditure limit?

WARREN E. HEARNES.

Source: Warren E. Hearnes, 1015 Locust Street, Suite 800, St. Louis, Missouri 63101 (July 14, 1975).

B. Request of Representative John Y. McCollister (Including Accountant's Fees in Fundraising Expenditures) (Request Edited by the Commission).

* * * * *

Can the separate area of fundraising costs not counted against general campaign expenditures be used for paying for the services of a certified public accountant * * * for purposes of handling campaign reports?

* * * * *

JOHN Y. MCCOLLISTER.

Source: Representative John Y. McCollister, 217 Cannon House Office Building, Washington, D.C. 20515 (July 21, 1975).

AOR 1975–28: Status and Activities Allowed of a Political Committee Supporting a Former Candidate for the Presidency (Request of the Percy Committee) (Request Edited and Paraphrased by the Commission).

GENTLEMEN:

* * * * *

The Percy Committee was established on February 9, 1973, in response to a number of requests and initiatives by friends and supporters of Senator Charles H. Percy of Illinois. The committee, which was then known as the Exploratory Committee, resulted from the belief of a number of those individuals that Senator Percy possessed the qualities expected of a President and that it would be in the public interest that ample information be made available to him to make a sound decision as to whether he should become a candidate for President of the United States in 1976.

The Exploratory Committee (later The Percy Committee) received contributions and made expenditures for the purposes stated above. Although Senator Percy was not an announced candidate for President, the contributions and expenditures have been reported in accordance with the Federal Election Campaign Act of 1971. Apart from The Percy Committee's accountants, who have not yet rendered their final bill, The Percy Committee is not aware of any outstanding obligations or anticipated contributions related in any respect to a possible presidential candidacy by Senator Percy in 1976. The Committee has approximately $9,000 of funds on hand.

Senator Percy is not a candidate for President in 1976 and does not expect to be. As a result The Percy Committee is not and will not be soliciting additional contributions or making additional expenditures (with the exception of the bill referred to above) to pursue a possible presidential candidacy by Senator Percy in 1976. Similarly, The Percy Committee will not be taking action toward that end.

We request an advisory opinion as to whether * * * (1) The Percy Committee will cease to be a "political committee" established on behalf of a potential presidential candidate * * * once the last expenditure related to a possible presidential candidacy has been made (that is expected to be the payment to The Percy Committee's accountant referred to above);

(2) * * * since Senator Percy is expected to engage in political activity from time to time in Illinois on behalf of other Republican candidates and is also expected to seek reelection in 1978, and certain political expenses related to these activities can be expected in such regard from time to time, receipts and expenditures of and for this Committee should continue to be recorded and reported in accordance with the law;

(3) * * * the Percy Committee may engage in general political fund raising and may make expenditures related to Senator Percy's political activities as well as expected reelection campaign.

* * * * *

ARTHUR C. NIELSEN, JR.,
Chairman, The Percy Committee.

Source: Arthur C. Nielsen, Jr., Chairman, The Percy Committee, P.O. Box A3503, Chicago, Illinois 60690 (July 8, 1975).

AOR 1975–29: Limitations on Contributions by Local Political Parties (Request of Representative Tom Railsback) (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: * * * What is the maximum contribution which can be made by a political party's county central committee (an official subordinate organ of a State political party committee) to a candidate for U.S. House of Representatives in the primary and in the general elections? Such county central committee will principally make contributions to State and local party candidates but will also make contributions to its party's candidate for U.S. House of Representatives and President.

* * * * *

TOM RAILSBACK,
Member of Congress.

Source: Representative Tom Railsback, 2431 Rayburn House Office Building, Washington, D.C. 20515 (July 10, 1975).

AOR 1975—30: Use of Campaign Fund for Newspaper Subscriptions and Travel Expenses (Request Edited by Commission).

DEAR MR. CURTIS: My Campaign Treasurer in Mississippi has requested that I make an advisory opinion request with regard to the following two items: (1) may newspaper subscriptions be paid out of the campaign fund? (2) may the Member be reimbursed for travel expenses that he incurs in connection with political appearances in his Congressional District?

* * * * *

DAVID R. BOWEN,
Member of Congress.

Source: Representative David R. Bowen, House of Representatives, 116 Cannon House Office Building, Washington, D.C. 20515 (July 31, 1975).

AOR 1975—31: Contributions by Spouses and Individuals Connected with Government Contractors (Request Edited by the Commission).

DEAR MR. CURTIS: * * * [W]e are sending a written request in order that you may render an opinion on the following:

1. Can a wife in a single income family make a contribution to a candidate if the husband has contributed $1,000?

2. Can a partner, officer or member of a corporation or business holding a federal contract make a personal contribution? In addition, can the wives of those mentioned make a contribution?

NORVAL D. REECE,
Campaign Manager.

Source: Norval D. Reece, Campaign Manager, Shapp For President Committee, P.O. Box 1012, Federal Square Station, Harrisburg, Pennsylvania 17108.

AOR 1975–32: Limitations on Contributions by Multicandidate Committee (Request Edited by The Commission).

DEAR SIR: We represent the Committee for the Survival of a Free Congress ("CSFC"), address as above.

CSFC is a "political committee" as defined by the provisions of 2 U.S.C. § 431 (d) and 18 U.S.C. § 591(d). * * *

CSFC submits this advisory opinion request, by counsel * * *.

CSFC is a multiple candidate committee which makes political contributions as defined by the provisions of 2 U.S.C. § 431(e) and 18 U.S.C. § 691(e).

CSFC inquires whether the Federal Election Commission interprets the proscription set forth in 18 U.S.C. § 608(b)(2) to prohibit CSFC from contributing more than the sum of $5,000.00 in connection with any one election to or on behalf of any one candidate?

If so, does the Commission also construe that or any other prohibition to limit the total contribution of CSFC to the national committee of a political party (whether major, minor or incipient) or political organizational group?

* * * * *

MARION EDWYN HARRISON.

Source: Marion Edwyn Harrison, Harrison, Lucey, Sagle & Solter, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006 (July 29, 1975).

AOR 1975–33: Interpretation of Spending Limit Exemption for Fundraising Costs (Request Edited by Commission).

DEAR COMMISSIONERS: This Advisory Opinion Request is filed on behalf of the Bentsen in '76 committee, a political committee duly registered and reporting under appropriate sections of the Federal Election Campaign Act and supporting the candidacy of Senator Lloyd Bentsen for nomination for election to the office of President of the United States. The request concerns the proper interpretation of the fundraising exception to the defintion of the term "expenditure", found in Section 591(f)(4)(H) of Title 18, U.S. Code.

That subsection exempts from the Section 608(c) candidate expenditure limitations the costs of soliciting contributions, to the extent such costs do not exceed "20% of the expenditure limitation applicable to such candidate under Section 608(c)...." Section 608(c) imposes a $10 million expenditure limit for a candidate seeking nomination for election to the office of President. However, expenditures in any one state may not exceed twice the limit available in such state "to a candidate for nomination for election to the office of Senator...."

The question is whether or not fundraising costs in a particular state are exempt if they do not exceed the $2 million nationwide limit, but do exceed 20% of the Presidential candidate's expenditure allocation for such state, as computed under Section 608(c)(1)(A).

* * * * *

You are authorized to publish this Advisory Opinion Request, as required by applicable statutory provisions and FEC regulations.

ROBERT N. THOMSON,
Counsel, Bentsen in '76.

Source: Robert N. Thomson, Counsel, Bentsen in '76, Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street, NW., Washington, D.C. 20006 (July 28, 1975).

AOR 1975–34: Establishment of "Non-campaign Fund" by Multicandidate Committee (Request Edited by the Commission).

DEAR COMMISSIONERS: Pursuant to Section 437(f) of Title 2, U.S. Code, the National Committee for an Effective Congress (NCEC) hereby requests an advisory opinion from the Federal Election Commission regarding certain activities and transactions. NCEC is an independent political action group, founded in 1948, and supported by a national constituency of approximately 70,000 citizens.

NCEC is a "political committee" as defined by Section 431(d), Title 2, U.S. Code and Section 591(d), Title 18, U.S. Code and in addition qualifies as a multicandidate political committee pursuant to Section 608(b)(2), Title 18.

The purpose and activities of the NCEC extend beyond providing assistance and support to select candidates seeking the nomination for or election to either the U.S. House of Representatives or the U.S. Senate. It is the Committee's belief that certain activities of the NCEC are non-campaign in nature and that funds solicited and received and expenditures made for these non-campaign activities do not constitute a "contribution" or "expenditure" under Section 591, Title 18.

Thus, it is the intention of the NCEC to establish a separate and segregated non-campaign fund patterned after the separate and segregated funds established by certain labor unions, corporations and interest groups. The name of this non-campaign fund will be the Congressional Services Fund. The Board of Directors and the Director of the Congressional Services Fund will be identical to those of the NCEC. Separate accounts will be maintained for campaign and non-campaign activities; the funds will not be transferable. The solicitation of funds for each account will be separate. Funds solicited and received for the NCEC campaign account will be considered contributions as defined by Sec. 591(e), T. 18; funds received for the non-campaign account will not. Staff salaries and overhead will be prorated between the two accounts based on the time spent on each activity.

Section I. The activities of the Congressional Services Fund will be as follows:

1. To provide management consulting and technical assistance to certain Members of Congress for the purpose of achieving effective execution of the ordinary and necessary functions relating to the official business, activities and duties of the Congress.

Areas for consultation and assistance will include:

Efficient handling of legislative and constituent mail;

Proper preparation for legislative responsibilities, such as committee and Floor activities;

Provision of constituent services;

Preparation and dissemination of materials pertaining to official congressional business which are distributed as franked mail in accord with Sec. 3210(f), T.39;

Non-campaign polling subject to any pertinent Commission ruling;

Maximum utilization of resources provided Members of Congress for their official business.

2. To organize and conduct non-partisan, educational issue seminars for Members of Congress.

3. To prepare and publish certain communications for the purpose of soliciting funds for the above mentioned purposes.

4. To conduct any other activities for the purpose of soliciting funds for the above mentioned purposes.

Section II. The activities of the NCEC campaign fund will be as follows:

1. To determine which candidates for federal office shall qualify for receipt of either direct financial or technical campaign assistance.

2. To provide direct financial assistance and in-kind consulting and technical assistance to select candidates for the purpose of influencing or attempting to influence their nomination for election, or election, to federal office. The in-kind consulting program will include but is not limited to assistance with organization and management, fundraising, research, campaign polling, media development and production, voter contact programs.

3. To provide campaign consulting and technical assistance to certain Members of Congress to influence or attempt to influence his or her nomination for re-election, or re-election, to federal office.

4. To prepare and publish certain communications, separate and different from those mentioned under the non-campaign activities (Section I, above), for the purpose of solicitation of funds.

5. To conduct any other activities for the purpose of soliciting funds for the above mentioned purposes.

For the purposes of establishing this separate and fully segregated fund, we shall voluntarily cease providing non-campaign assistance to a Member of Congress from that date six months prior to a contested election or from that date on which the Member is considered to be a candidate, as defined by Section 591(b), Title 18, whichever comes first, even though it is plain and clear that certain consulting services do not constitute a "contribution" or "expenditure" under Section 591, Title 18. From that date, any assistance will be provided by the NCEC campaign funds and fully reported as an

expenditure on behalf of such candidate as defined by Section 591(f), Title 18.

Further, we shall consider that the Congressional Services Fund falls under the requirements of Section 437a, Title 2, and shall file reports with the Commission setting forth the source of the funds used in carrying out any activity described in Section I above as if the funds were contributions within the meaning of Section 431(e), Title 18, and payments of such funds in the same detail as if they were expenditures within the meaning of Section 431(f), Title 18.

* * * * *

RUSSELL D. HEMENWAY,
National Director.

Source: Russell D. Hemenway, National Director, The National Committee for an Effective Congress, 10 East 39th Street, New York, New York 10016 (July 23, 1975).

AOR 1975–35: Officials of Political Committees (Request Edited by the Commission).

DEAR MR. CHAIRMAN: In the structure of the Republican Congressional Boosters Club it is customary to have two or more national co-chairmen.

We would like to have * * * [an advisory opinion] from the Federal Election Commission as to whether a person serving as a member of the executive committee of the official committee of one fund raising national committee can serve as chairman or a member of another national fund raising committee.

I. LEE POTTER,
Executive Director.

Source: I. Lee Potter, Executive Director, Republican Congressional Boosters Club, 300 New Jersey Avenue, SE., Suite 522, Washington, D.C. 20003 (July 18, 1975).

AOR 1975–36: Payment for Administrative Costs Incurred by Corporation on Behalf of Political Committee Operating As Separate Segregated Fund of Corporation (Request Edited by the Commission).

GENTLEMEN: The Committee for Thorough Agricultural Political Education (C–TAPE) a multicandidate political committee is the successor of the Trust for Agricultural Political Education (TAPE).

C–TAPE was established by Associated Milk Producers, Inc. (AMPI) predecessor Milk Producers, Inc. (MPI). TAPE filed its last report April 20, 1973.

In 1972 and 1973 TAPE transferred funds in the amount of $1,931,541.09 to C–TAPE.

C–TAPE has always reimbursed AMPI for any expenses that AMPI incurred in its behalf. i.e. salaries, data processing, telephone, travel, etc.

TAPE did not reimburse AMPI or MPI for any expenses incurred during the period 1969 through March 1972.

On June 19, 1975 AMPI billed C–TAPE for the TAPE expenses in the amount of $162,500 for the period 1969 through March 1972.

In the opinion of C–TAPE and its counsel the expenses are reasonable and should be repaid. However, out of an abundance of caution and desiring not to take unappropriate action, C–TAPE at its last meeting approved payment of this bill from AMPI on the condition that it receive an advisory opinion from the Federal Election Commission (FEC) approving such a payment.

In the opinion of the FEC can this payment be made?

* * * * *

J. S. STONE,
Secretary,
Committee for TAPE.
ROBERT UVICK,
Treasurer and General Counsel,
Committee for TAPE.

Source: J. S. Stone, Secretary, Committee for TAPE; Robert Uvick, Treasurer and General Counsel, Committee for TAPE, P.O. Box 32287, San Antonio, Texas 78284 (July 29, 1975).

AOR 1975–37: Incorporation of Political Committee (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: On behalf of the Shriver for President Committee, a political committee registered with the Federal Election Commission, I hereby request confirmation as to the legality under 18 U.S.C. § 610 of the election of the Committee to organize as a nonprofit corporation. The Committee filed a Statement of Organization with the Commission on July 15, 1975 and is organized solely for the purpose of collecting and expending political contributions and carrying out other normal campaign activities.

* * * * *

DAVID E. BIRENBAUM,
Co-counsel, Shriver for
President Committee.

Source: Shriver for President Committee by David E. Birenbaum, Co-counsel, Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, The Watergate 600, 600 New Hampshire Avenue, NW., Washington, D.C. 20037 (August 4, 1975).

Dated: August 15, 1975.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.75–21882 Filed 8–19–75;8:45 am]

[Notice 1975–28]

ADVISORY OPINION REQUESTS

Corporate Contributions to Political Committees Supporting State and Federal Candidates; Extension of Time To Comment

The period of time within which to comment upon AOR 1975–21, is hereby extended by the Commission until the close of business, September 8, 1975. This Advisory Opinion Request was previously printed in the FEDERAL REGISTER on July 29, 1975, at 40 FR 31879. The issue posed by a California source, has national ramifications and the Commission encourages submission of comments. The issue presented is whether corporate contributions to State central committees (permitted under State law) which contributions are used to defray day-to-day operational expenses (office rent, utilities, secretaries' salaries, office supplies) and to fund partisan registration drives, are nonetheless prohibited by 18 U.S.C. § 610 because such contributions expended for the stated purposes directly or indirectly benefit Federal candidates.

Dated: August 15, 1975.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.75–21883 Filed 8–19–75;8:45 am]

(3) That any interest earned from funds transferred to any savings account, certificates of deposit or other interest-bearing account be timely reflected on the reports required to be filed with the Federal Election Commission under 2 U.S.C. 434;

(4) That no expenditures be made from any funds transferred to an account other than the checking account at the designated campaign depository.

B. *Request of Thomas Coleman.* This request raises the question as to how one should report the transfer of surplus campaign funds remaining from an election campaign for local or State office to a Federal election campaign committee. The Commission's response to this question should not be construed as adversely affecting any donor's rights provided by State law as to the use of the donor's original contribution made in connection with a campaign for State or local elective office.

Funds received by a political committee which are transferred from any other source are contributions as defined in 2 U.S.C. 431(e)(3). As such, they are required to be reported under the provisions of 2 U.S.C. 434(b)(2)(4) and (7). Specifically, full information as to the source of all funds transferred to a reporting political committee, as well as the amounts and dates of all individual contributions included in the transfer, must be reported. The Commission agrees that Mr. Coleman may presume that the surplus transferred to his Federal campaign committee is comprised of those individual contributions last received before the State election. The Commission contemplates future regulations that will provide more specific guidance as to the proper reporting of transfers of this type.

The Commission also concludes that the funds to be transferred to the Federal campaign committee may not include any contributions by national banks or corporations, labor organizations, Government contractors, or agents of foreign principals. See 18 U.S.C. 610, 611, and 613. Furthermore, no contributions which exceed $1,000 from any one person and were made after January 1, 1975, may be transferred to the Federal campaign committee. Finally, any funds that were under Mr. Coleman's personal dominion and control, although contributed to a State campaign committee, may be transferred to the Federal campaign committee only to the extent permitted under 18 U.S.C. 608(a).

C. *Request of the Circle Club.* The question presented is whether a pre-existing political committee with residual funds may obtain consent from the original contributors of these funds to "earmark" their contributions for a specific Federal candidate, and transfer said earmarked contributions to the principal campaign committee of the candidate designated by the contributor.

Under 18 U.S.C. 608(b) persons (other than qualified multicandidate political committees) may not lawfully make contributions to any Federal candidate in excess of $1,000 with respect to any election. Subsection (b)(2) allows certain political committees to make $5,000 contributions to any Federal candidate with respect to each separate election.

In the event that contributions are earmarked by the donor (or on the donor's behalf), or otherwise directed through an intermediary or conduit to a particular candidate, they are treated as contributions to that candidate from the original donor and are, therefore, subject to applicable limits under section 608(b). Section 608(b)(6) would not apply to situations where donors relinquish complete control over their contributions and do not at a later time regain such control either by actual return of their contribution or, as in this instance, by request of the recipient committee for authorization to earmark a contribution originally given without such restriction. Since in this case the committee will be asserting some control over the earmarking by reason of the fact that it will actively seek to obtain consent from the donors to earmark funds for a specific Federal candidate, it follows that the committee, as well as the original donor, should be regarded as having made the contribution.

Hence, both aspects of the transaction are subject to limitation under 18 U.S.C. 608(b)(1). The committee must regard its involvement in procuring the authorization to earmark as tantamount to its own contribution and, therefore, subject to the $5,000 limit in 18 U.S.C. 608(b)(2), if it is otherwise qualified to make contributions in that amount. Further, such designated contributions must be reported to the Commission and the intended recipient by the political committee as provided in 18 U.S.C. 608(b)(6). Until issuance of final regulations, this may be accomplished by complying with the reporting provisions of 2 U.S.C. 434(b) and the earmarking regulations issued by the previous supervisory officers and adopted by the Commission on an interim basis on June 2, 1975, 40 FR 23833.

D. *Request of Senator James Buckley.* The Friends of Jim Buckley Committee has established an internal method of allocating political expenditures from "non-political" expenditures for constituent services. The Committee has solicited funds for both political and non-political purposes through its fundraising appeals. Senator Buckley requests an opinion as to:

(1) Whether the Commission will recognize the functional distinction between the two types of expenditures;

(2) Whether it will be necessary to establish another committee to handle funds expended for constituent services; and

(3) If a separate committee is established, whether a separate committee for constituent services will be able to receive funds from the political committee.

The matter of constituent service accounts is controlled by the provisions of 2 U.S.C. 439a and such rules as may be necessary to carry out the provisions of section 439a. The Commission has formally proposed such rules which treat contributions to and expenditures by constituent service funds as transactions of a political committee. See Notice 1975-18, August 5, 1975 (40 FR 32951).

Furthermore, in Advisory Opinion 1975-14, decided August 7, 1975, the Commission held that contributions to constituent service accounts are subject to 18 U.S.C. 608, 610, 611, 613, 614, and 615. Accordingly, the Commission has no objection to transfers of funds from the existing political committee to another one newly organized, but recognizes no functional distinctions between the two types of expenditures described in the request. Finally, the Commission concludes that all expenditures made by either the existing political committee or a new constituent service committee are subject to the spending limits applicable to a candidate under 18 U.S.C. 608(c).

Dated: August 21, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22658 Filed 9-2-75;8:45 am]

[Notice 1975-37, AOR 1975-38—AOR 1975-57]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-38 through 1975-57 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-38: Use of Excess Campaign Funds for Office Expenses and Federal Preemption (Request Edited by the Commission).

GENTLEMEN: I am writing to request advisory opinions on the following questions, with regard to the Federal Election Laws.

(1) If I, as a Member of Congress, elect to use left-over campaign funds for

legitimate office expenses, will these expenditures be counted in determining whether I, or my Campaign Committee, have reached any of the spending limits set forth under the new law?

(2) If I elect to use campaign funds for legitimate office expenses, will it still be necessary for me or my Campaign Committee to file periodic reports with the Clerk of the House up to and until I again announce myself as a Candidate, or may I close out my accounts until that time?

(3) Does the new Federal Election Law supercede state campaign regulations, or must state laws be adhered to separately?

SILVIO O. CONTE,
Member of Congress.

Source: Representative Silvio O. Conte, House of Representatives, 239 Cannon House Office Building, Washington, D.C. 20515. (July 15, 1975.)

AOR 1975—39: Settlement of Campaign Debts Owed to Corporations (Request Edited by the Commission).

GENTLEMEN: Your recent Advisory Opinions 1975–5 and 1975–6 prompt us to ask on behalf of the Metzenbaum Post-Campaign Committee:

> May a candidate's committee, which incurred debts during the 1974 senatorial campaign, settle those debts with corporate or non-corporate creditors, if the committee has made a serious effort to bring down the amount of said debts since the date of the election and has little likelihood of raising additional funds sufficient to pay all debts in full?

After the election, we found ourselves indebted to the extent of about $113,000.00. A number of fund-raising events and personal solicitations have been made to the point that the committee has now been successful in decreasing that debt to under $79,000.00. The committee has a cash balance of a little over $5,000.00 at the present time. Some of the creditors, both individuals and corporations, have indicated a willingness to settle the amounts due them if we will offer a cash settlement. We believe it may be possible for us to solicit a modest amount of additional money. However, the last sentence of Advisory Opinion 1975–6 issued by the Commission on July 23, 1975 makes reference to the problem possibly faced by corporate creditors that acceptance of such settlements could be construed as violations of the Federal Election Campaign Act.

* * * * *

MELVIN S. SCHWARZWALD,
Counsel for the Metzenbaum Post-Campaign Committee.

Source: Metzenbaum Post-Campaign Committee by Counsel, Melvin S. Schwarzwald, Metzenbaum, Gaines & Stern, 1700 Investment Plaza, 1801 East 9th Street, Cleveland, Ohio 44114. (August 1, 1975.)

AOR 1975—40: Reporting Contributions from Political Action Committees (Request Edited by the Commission).

* * * The Federal Election law appears to be ambiguous on the question of the requirement of campaign committees to report contributions by political action committees when such funds are used to purchase tickets to a reception. * * *

It is my understanding * * * that campaign committees *are not* required to report individual contributions of $100 or less by political action committees when such contributions are made for the purpose of purchasing tickets to a reception. * * *

[T]his Committee requests a formal, written [advisory opinion] on whether a campaign committee is required to disclose publicly contributions of $100 or less by political action committees when such contributions are made for the purpose of purchasing tickets to a reception.

I would also like to know the rules covering reporting by donor organizations. I understand they must report their contributions, regardless of the amount.

WALLY JOHANSON,
Treasurer.

Source: Wally Johanson, Treasurer, Oberstar for Congress, Volunteer Committee, P.O. Box 465, Duluth, Minnesota 55802. (July 17, 1975.)

AOR 1975—41: Investment or Savings Deposits of Contributions or Other Receipts (Request edited by the Commission).

DEAR MR. CURTIS: Our Committee * * * formally makes his request of the Commission for an Advisory Opinion as to when, if ever, receipts from contributions, sales, collections, loans and/or transfers may be deposited in an interest-bearing savings account in a state and/or national bank, or invested in government treasury notes.

(Mrs.) ANN M. EPPARD,
Assistant Treasurer.

Source: (Mrs.). Ann M. Eppard, Assistant Treasurer, Shuster for Congress Committee, Star Route 5, Everett, Pennsylvania 15537. (July 24, 1975.)

AOR 1975—42: Application of Spending limits to Candidate Purchase of Advertising in Directories and Yearbooks (Request Edited by the Commission).

DEAR MR. CHAIRMAN: I have been invited by the editors of Hawaii's annual "Labor Director" to purchase a ⅛ page advertisment in the Directory. My photograph will appear with the words "Aloha to Labor from Sparky" superimposed. I have also been invited to purchase a quarter-page advertisement in the Hawaii State Little League Baseball "Souvenir Yearbook," which is published annually at the end of the Little League Baseball season. My photograph will appear with the words "Aloha and Best Wishes. (s) Spark Matsunaga, Member of Congress."

I would appreciate receiving the Commission's opinion as to whether this expenditure must be recorded as a "campaign expenditure" under the provisions of the Federal Elections Campaign Act, as amended. If so, would the cost of the advertisement be credited toward the Primary Election campaign expenditure ceiling established in 1974?

If the proposed advertisement is not a "campaign expenditure" under the provisions of the Federal Elections Campaign Act, could funds from my congressional Communications Fund be used for its purchase? A report of receipts and expenditures under my Communications Fund has been filed with the Clerk of the U.S. House of Representatives and the Lieutenant Governor of the State of Hawaii.

SPARK MATSUNAGA,
Member of Congress.

Source: Representative Spark Matsunaga, 422 Cannon House Office Building, Washington, D.C. 20515. (Two letters dated July 22, 1975.)

AOR 1975—43: Establishment by Corporation of Voluntary Employee Political Donation Program (Request Edited by the Commission).

GENTLEMEN: On behalf of TRW, I would like to respectfully request your advice on the following situation:

TRW operates a Good Government Program whereby employees who desire to participate are permitted to have a certain amount of their paycheck withheld and sent to a designated candidate or party. [The Commission notes that the TRW Good Government Program registered as a political committee on August 7, 1975]

All contributions made by our employees to the designated candidates or committees are fully disclosed to the intended recipient. Each recipient receives a check in the total amount of all contributions designated for such recipient and in addition receives a list of every employee who designated a contribution to such candidate or committee together with the amount contributed by such employee. TRW simply acts as an agent of the employee in forwardiing the designated contribution much as a bank operates as an agent of a depositor when a check is written and the bank honors that check upon presentment.

However, it would appear possible to argue that TRW is an "intermediary or conduit" within the meaning of Title 18 608(b)(6) of the United States Code. TRW does not believe that our program is within the spirit of this section. However, since the point is arguable we would like to request the Commission's position on this point.

Should the Commission rule that TRW is an "intermediary or conduit" rather than a simple agent of its employees, we would like to be informed of the Commission's requirements for our fund particularly in the following respects:

(1) How frequently should we report or file with the Commission?

In some cases, our payroll departments issue checks biweekly in other cases payroll periods are semi-monthly, monthly or weekly. In some cases the amounts to be withheld pursuant to

the employees direction are withheld in each paycheck and others the deduction is made only once a year. I am sure that neither TRW nor the Commission desires to be inundated with paperwork for this program. Accordingly, if the Commission feels a report is necessary at all, TRW respectfully suggests that such report be provided to the Commission annually.

(2) What form should we use for the report?

We are not aware of any form which can be appropriately used for purposes of § 608(b)(6). Accordingly, if the Commission desires TRW to report its program under this section we respectfully request that the Commission adopt some form on which we may make the report or at least inform us of the various items which the report should contain.

* * * * *

WILLIAM A. HANCOCK.
Senior Counsel.

Source: TRW Good Government Program by Counsel, William A. Hancock, TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117. (July 28, 1975.)

AOR 1975—44: Request of Socialist Workers 1976 National Campaign Committee (Request Edited by the Commission).

DEAR COMMISSIONERS:

* * * * *

We seek advisory opinions under 2 U.S.C. 437f from the Commission on several questions regarding the Act and the 1974 Amendments.

1. In our letter of January 31, 1975 we requested clarification on the $1,000 limitation on contributions. Does this limit apply separately to primary, run-off (if any), and general elections? Section 608(b)(5) indicates that the limitation is $2,000 for presidential candidates but fails to give any time limitation. Is it for instance, $1,000 before the primary and an additional $1,000 between the primary and the general election? If the limitation does apply separately for candidates contending in primary and run-off elections, does it also apply separately for candidates contesting only the general election?

2. Regarding the limitation of $100.00 on petty cash purchases and transactions (18 U.S.C. 615), does this mean that no check to the order of "cash" can be made for over $100.00? What does a campaign committee do in a situation where a candidate or representative of a candidate is out of town and requires emergency funds in excess of $100.00? What does a committee do in the case where its checks are unacceptable as a means of payment for a certain vendor, for example, the U.S. Postal Service?

* * * * *

4. When candidates are not contesting special, primary, or run-off elections, what are the reporting requirements regarding the 10-day preelection and 30-day postelection reports?

* * * * *

6. What constitutes a "debt" or "obligations" itemizable under parts 11 and 12 of the reports? Does this refer to long-term debts and obligations of, say, 60 days, or something else?

7. Do the non-principal campaign committees have to be authorized in writing by the candidates?

8. What constitutes "affiliation" and "relationship" of committees?

* * * * *

ANDREA MORELL,
Treasurer, Socialist Workers 1976 National Campaign Committee.

Source: Andrea Morell, Treasurer, Socialist Workers 1976 National Campaign Committee, 14 Charles Lane, New York, New York 10014. (July 10, 1975.)

AOR 1975—45: Legality of the Establishment and Administration of "Independent Autonomous" Multicandidate Political Committees (Request Edited by the Commission).

DEAR SIR: We represent the Agricultural & Dairy Educational Political Trust ("ADEPT").

* * * * *

ADEPT submits this advisory opinion request, by counsel, pursuant to the provisions of 2 U.S.C. 437f(a).

The pertinent facts are that ADEPT is considering the establishment in several states of the Union of independent and autonomous political committees which, like ADEPT, would be multiple candidate committees and which, like ADEPT, would be political committees * * *. Each such committee would operate solely within the state in which it was organized; would be governed by committee members at least one of whom would be resident in such state; would make political contributions as defined by the provisions of 2 U.S.C. 431(e) and 18 U.S.C. 591(e); would exercise its independent judgment as to the beneficiaries and amounts of its contributions; would report to the Federal Election Commission pursuant to the provisions of 2 U.S.C. 434(a); and, except to the extent it might receive unanticipated and unsolicited donations, would depend solely for its funds upon transfers from ADEPT (which transfers would be reported by ADEPT as contributions by ADEPT); and which might receive the benefit of accounting, clerical, legal or similar services in kind from ADEPT (which services also would be reported by ADEPT as contributions from ADEPT).

The basic question is whether such committees may be established.

If the basic question be answered in the affirmative, ADEPT would propound the following questions.

1. May the Treasurer of ADEPT also serve as the treasurer of one or more of the state committees?

2. Would the limitations upon the quantum of contributions set forth in 18 U.S.C. 608(b)(2) be applicable (1) separately to ADEPT and to each such committee or (2) in the aggregate to ADEPT and each and every such committee?

3. May one or more members of the ADEPT committee also hold membership on one or more state committees?

4. May each state committee be funded by transfers of funds from ADEPT? In this connection ADEPT envisions that upon being notified by a particular state committee that the funds thereof were depleted to the sum of $1,000.00 or some other relatively small sum, ADEPT would transfer to that particular state committee a substantial sum, as for example, $25,000.00. No part of the transfer would be earmarked for a particular contribution. The state committee would be free to spend the money as it deemed appropriate. The state committee then would be expected to advise ADEPT when at some subsequent date its funds available for contribution again dropped to $1,000.00.

* * * * *

MARION EDWYN HARRISON.

Source: Marion Edwyn Harrison, Harrison, Lucey, Sagle & Solter, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006. (July 15, 1975.)

AOR 1975—46: Fee for the Televised Appearance of A Member of Congress (Request Edited by the Commission).

DEAR MR. CURTIS: I am writing on behalf of United States Representative Barbara Jordan, 18th District of Texas to request advisory opinions regarding section 616 of the "Federal Election Campaign Act Amendments of 1975." As you know, that section deals with the "Acceptance of Excessive Honorariums."

Miss Jordan has been asked to provide editorial comment once a month which is recorded on video tape, for presentation on the C.B.S. television Morning News Show. She is paid One Hundred and Fifty Dollars for each taping.

It is our position that this payment is salary for services for which a fee is traditionally required, and therefore, should not be included when computing her acceptance of honorariums for the calendar year. * * *

RUFUS (BUD) MYERS.

Source: Representative Barbara Jordan by Rufus Myers, Administrative Assistant, 1534 Longworth House Office Building, Washington, D.C. 20515. (July 3, 1975.)

AOR 1975—47: Expenditures of Corporate Funds by Host Committees for the Benefit of National Political Party (Request Edited by the Commission).

DEAR COMMISSIONERS:

* * * * *

On behalf of the Democratic National Committee, a supplementary advisory opinion is requested in this regard.

Specifically, Advisory Opinion 1975–1 provided, in part, that local corporations which are engaged in certain retail businesses may contribute funds to a local civic association, or other similar type of business association ("Host Committee"), which payment, under certain conditions, would not constitute a pro-

hibited corporate contribution within the provisions of 18 U.S.C. 610. The Opinion did not cover the purposes for which a Host Committee could expend its funds, including funds derived by it from local retail corporations referred to above.

An Opinion is respectfully requested that a Host Committee may offer to the National Committee any of the services, benefits, or uses of property described in paragraphs (1) through (7), inclusive, of Advisory Opinion 1975–1, without violating 18 U.S.C. 610, and that such transactions do not involve "expenditures" under 26 U.S.C. 9008(d).

STUART E. SEIGEL.

Source: Stuart E. Seigel, Cohen and Uretz, 1775 K Street, NW., Washington, D.C. 20006. (August 4, 1975.)

AOR 1975—48: Attribution of Contribution to Political Party to Candidate Receiving Funds from that Party (Request edited by Commission).

DEAR COMMISSIONER: * * * We request that the Federal Election Commission issue an Advisory Opinion in answer to this question:

Because the 1974 Act imposes a $1,000 limit on contributions by an individual to a candidate for election to Federal office, if a contributor makes a contribution of less than $1,000 to a candidate's campaign committee and thereafter is asked to contribute to one or more state and local party committees, some portion of whose receipts from contributions will be contributed by that committee to or expended for the election of that same candidate, but where the portion of the individual's contribution has not been earmarked for that candidate either by the contributor or the party committee, can the contributor make that contribution to the state or local party committee without being considered to have exceeded the $1,000 limitation?

If the answer to the foregoing question is no, what steps must the state or local party committee or the contributor take in order to insure that his total contributions to the Federal candidate do not exceed the $1,000 limit?

RICHARD C. FRAME,
State Chairman.

Source: Richard C. Frame, State Chairman, Republican State Committee of Pennsylvania, P.O. Box 1624, Harrisburg, Pa. 17105. (August 5, 1975.)

AOR 1975—50: Application of 1974 Amendments to Debt Transaction Incident to Special Election in 1975 (Request edited by Commission).

DEAR MR. CURTIS: After studying the latest Federal Election Commission Advisory Opinion (1975–76) there remain specific questions to be answered concerning campaign debts owed by this Committee.

Jeff LaCaze was a candidate for the U.S. House of Representatives from The Sixth District of Louisiana. The results of the general election of November 5, 1974 was disputed and after litigation the state courts ordered a new election for January 7, 1975.

* * * * *

* * * [C]ontributions in excess of $1,000 were received by this Committee during 1975 and used for an election held in 1975 * * *.

Please clarify this [question], i.e. were contributions received subsequent to December 31, 1974 and prior to January 8, 1975 subject to the 1971 Act * * * or subject to provisions of the 1974 Act as indicated in Advisory Opinion 1975–6?

Additionally, please consider the following for an [advisory opinion]:

1. Promissory notes made in 1974.

a. Are accrued interest payments made in 1975 on these notes, "debt" incurred during 1974 and therefore, payable with contributions as outlined in Advisory Opinion 1975–6?

b. Can makers of these notes (i.e. co-guarantors, etc.) pay interest accumulated on these notes without having these contributions being subject to the 1974 Act?

2. Corporate debts owed by a Candidate or Committee.

a. Can debts owed by a candidate or committee to a corporation be forgiven or settled for sums less than those previously billed without such forgiveness of debt being considered an "illegal contribution" as outlined under 18 U.S.C. 610–611?

b. Can a corporation write off as bad debts, any debts owed by a candidate or committee for which payment cannot be made?

TED E. DOVE,
Treasurer.

Source: Ted E. Dove, Treasurer, The Jeff Lacaze Committee, P.O. Box 14649, Baton Rouge, Louisiana 70808. (August 5, 1975.)

AOR 1975—51: Use of Excess Campaign Funds to Purchase Congressional Office Equipment (Request edited by the Commission).

DEAR MR. CURTIS: * * * This is a request for an advisory opinion on the use of campaign funds to defray Congressional office expenses above the usual electrical equipment and clerk-hire allotments.

Our office plans to install a computer terminal to meet the demands of constituent mail. The cost of the terminal will exceed our office allotment and, therefore, we would like to use excess campaign funds to establish a separate Oberstar Office Equipment account.

In checking with the Office of the Clerk of the House, Mr. Moss recommended this separate account and suggested the account be set up in a manner allowing a staff member to make disbursement, rather than require the Member's signature.

Mr. Moss assured me that the use of campaign funds in the manner prescribed is legal and preferred (reference Section 439(a) of the 1974 Federal Election law). However, he felt a letter to your office asking for an advisory opinion would be wise. * * *

JAMES L. OBERSTAR,
Member of Congress.

Source: Congressman James L. Oberstar, Room 323, Cannon House Office Building, Washington, D.C. 20515. (July 8, 1975.)

AOR 1975—52: Assistance by Multi-candidate Committee to Pay Off a Candidate's Past Campaign Debt (Request Edited by the Commission).

GENTLEMEN: I am writing to inquire as to whether or not in your opinion a State Committee may assist a successful candidate for the Congress to pay off his 1974 election debt without impairing the limitations on the amount of money it may give to said Congressman under the new law should he be a candidate for re-election in 1976?

JOHN R. LINNELL.

Source: John R. Linnell, Maine Republican State Committee, 187 State Street, Augusta, Maine 04330. (July 14, 1975.)

AOR 1975—53: Application of Limitations on Contributions and Expenditures to Nomination by Petition Effort (Request edited by the Commission).

DEAR MR. CURTIS: A group of interested citizens in the State of Maryland have formed a political committee of which I am Chairman to explore the possibility of promoting the independent candidacy of Bruce Bradley for the office of United States Senator in 1976.

In the process of gathering preparatory information, we find that under Maryland law, an independent candidate may qualify by petition to have his name placed on the ballot for the general election.

In reviewing the provisions of the Federal Election Campaign Act of 1971 [as amended in 1974] * * * we find the language of 18 U.S.C. 608(c)(1) * * * sufficiently vague as to request a formal advisory opinion from you on the following specific issues:

1. * * * Under Maryland law an independent candidate for United States Senator must qualify for election by petition, a method which, while involving the expenditure of funds for political purposes, is not an expenditure of political funds for nomination by election in a primary election sponsored by an organized political party. We would like an opinion as to whether or not nomination by petition in this case is considered legally equivalent to any other primary election contemplated under [18 U.S.C. 608(c)(1)(C)] * * *. We would interpret an affirmative ruling in this case to mean that an independent candidate for nomination for election to the office of U.S. Senator from the State of Maryland attempting to qualify as a candidate for the general election by petition would be eligible to raise funds and

spend them as if he were any other candidate attempting to obtain nomination for election through the political primary process. Further, such an interpretation would mean that the limitations of [18 U.S.C. 608 (c) (1) (C)] * * * would apply to all political activities of an independent candidate up until such time as he is legally certified as a candidate for the general election by competent state authority.

2. Assuming that the above ruling is in the affirmative, and that an independent candidate is considered for purposes of the spending limitations as any other candidate for nomination by primary, would there be any restrictions on funds used to qualify by petition other than those imposed by the Federal Election Campaign Act of 1971, as amended? We would interpret a no restriction ruling as permitting the expenditure of funds raised to qualify for election by petition for the same types of activities and services as would be procured under the law by any other candidate seeking nomination by primary, i.e. payment of staff salaries, media advertisements, airplane or car rentals, and publications of a promotional nature.

3. If, in fact, qualification by petition constitutes a primary for purposes of [18 U.S.C. 608(c) (1) (C)] * * * and a surplus remains at the time the candidate's petition is certified and he is, in fact, qualified for election under State law, can the surplus be carried over for use in the general election campaign without regard to the limitations imposed under [18 U.S.C. 608(c) (1) (D)]? * * *

JOHN F. FALCONER.

Source: John F. Falconer, Chairman, Bradley for Senate Committee, 10600 Seneca Ridge Drive, Gaithersburg, Maryland 20760. (June 30, 1975.)

AOR 1975—54: Application of Contribution and Expenditure Limitations to Each Election Held in a State (Request edited by the Commission).

GENTLEMEN: * * * Utah has a somewhat unique nomination process. At the respective State Nominating Conventions, attended by delegates elected at precinct mass meetings, primary contenders are reduced to two. If, however, one candidate receives 70 percent of the vote, he becomes the nominee, without primary. Both Senator Jake Garn (R–Utah), and his opponent, former Congressman Wayne Owens (D–Utah) in 1974 received a 70 percent convention nomination.

Were there, in Utah, to be 3 phases of a Federal campaign (i.e., convention, primary and general) would the campaign limitation apply to each phase, with no carry-over from one time frame to another? Under the prior law the Secretary of the Senate answered this question affirmatively, denoting, accurately, no difference between primary run-offs and the Utah system.

Your advisory opinion on the question raised is sought.

KENT SHEARER,
Legal Counsel.

Source: Kent Shearer, Legal Counsel, Utah Republican Central Committee, c/o Mock, Shearer and Carling, 1000 Continental Bank Building, Salt Lake City, Utah 84101. (June 28, 1975.)

AOR 1975—55: Organizational Contributions to Charity in Lieu of Honorarium To Federal Office-Holders or Scholarship Fund (Request Edited by the Commission).

DEAR MR. CHAIRMAN: I write to request a clarification and interpretation of the requirements and limitations under Section 616 of Title 18 of the U.S. Code with respect to honorariums received by a Member of Congress.

Would it be proper, assuming no self-dealing or self-serving implications of any kind, for private organizations to make contributions to legitimate charities, either in lieu of or in addition to honorariums that I might otherwise receive? Would such contributions in any way count with respect to the limitations imposed under Section 616?

In addition, a special situation would be the possible establishment of a scholarship fund, properly set up with no self-dealing and an unrelated board of directors. If a private organization were asked in lieu of an honorarium, to make such a contribution only if they wished, and not as a condition for my appearance, would this be proper?

AL ULLMAN,
Member of Congress.

Source: Representative Al Ullman, House of Representatives, Washington, D.C. 20515. (August 11, 1975.)

AOR 1975—56: Office Account Expenditures Chargeable to Primary or General Election Campaign.

DEAR SIR: I hereby request an advisory opinion in regard to the following:

Are expenditures by an office account to be counted against the expenditure limitations applicable to a campaign for election (general) or should they be counted against the campaign for nomination for election (primary).

STEPHEN J. SOLARZ,
Member of Congress.

Source: Representative Stephen J. Solarz, House of Representatives, 1228 Longworth House Office Building, Washington, D.C. 20515. (August 12, 1975.)

AOR 1975—57: Application of Limits to Post-election Contributions to Single Candidate Committee (Request Edited by the Commission).

DEAR SIR: We would appreciate a ruling from you regarding certain points of law regarding candidates/campaigns for Federal Office (U.S. Senate), Title III of Public Law 92–225, the Federal Election Campaign Act.

Please give us a ruling on the following:

(1) Is there any limitation as to time that contributions can be accepted *subsequent* to the election?

(2) Is it permissible to accept funds raised from Testimonials, Dinners, etc. (given for the benefit of the candidate) subsequent to the election?

(3) If post election contributions are acceptable, is it in any way contrary to the law to repay the candidate for funds loaned to his own campaign fund, which has been used to defray campaign expenses?

A. R. GRIGSBY,
Treasurer,
John L. Grady Campaign Fund.

Source: A. R. Grigsby, Treasurer, John L. Grady Campaign Fund, Belle Glade, Florida 33430. (August 1, 1975.)

Dated: August 25, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22942 Filed 9-2-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-46, AOR 1975-49, 1975-58—1975-65]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-49 and 1975-58 through 1975-65 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-49: Reporting and Allocation of Fundraising Costs (Request Edited by the Commission).

DEAR SIR: We are working in the Tom Hayden campaign for U.S. Senate in California. We need a specific [advisory] opinion as to fund raising, i.e.

Committee To Elect Tom Hayden
Presents
Artist To Be Announced
at the Paramount Theater
August 24, 1975
Tickets: $5, $6, & $7

An immediate disclosure problem arises in the production of a concert.
* * *

The tickets for the above concert are scaled at less than $10. Do we have to get every name of every person who attends the concert? If we do not, i.e. only those whose contribution exceeds $10, do we allocate the contribution, according to cost? For example,

Gross receipts	$20,000
Cost	10,000
Portion allocable to contribution	10,000
	$20,000 or ½

One-half of $7.00 equals $3.50. Therefore, if a person buys two tickets for $14.00 their contribution is less than $10.00, one-half of $14.00 equals $7.00.

Further, what about cumulative totals. The above contribution of $7.00 for this event may be matched by subsequent ticket purchases or contributions. In determining the aggregate of a person's contributions, the treasurer shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contributions from the same contribution and the aggregate exceeds $100, the name, address, occupation, principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms. Because of this reporting requirement, should every person who attends a concert list their name, address and occupation?

GARY L. JACKSON.

Source: Gary L. Jackson, Accountant for Concerts for Tom Hayden for U.S. Senate, 435 Los Palmos Drive, San Francisco, California 94127. (July 23, 1975.)

AOR 1975-58: Transfer of Surplus Campaign Funds to Congressional Office Account (Request Edited by the Commission).

[COMMISSIONERS:] I request an opinion concerning the use of money raised for campaign purposes.

Specifically, can money raised under the federal election law be used to pay for office expenses of a Member of Congress?

The facts relating to my request are the following:

(1) My office account, also known commonly as my stationery account provided to me as a Member of Congress, is without funds.

(2) I need funds to continue the normal office operations of my Congressional office. (For example, paper, books, office supplies, etc.)

(3) My campaign account, duly filed and maintained under the Federal Election Laws, has several thousand dollars in it.

(4) The money in the campaign account was raised in 1975 for purposes of paying off my campaign debts resulting from the 1974 election.

Can I transfer some of the money in my campaign account to my Congressional office account to cover the normal expenses of the operation of my office? Can funds raised in 1975 for purposes of eliminating a 1974 campaign debts be termed surplus funds, thus available for Congressional office expenses?

If the answer to my request is in the affirmative, what are the legal consequences of transferring such funds to my office account?

JAMES J. BLANCHARD,
Member of Congress.

Source: Representative James J. Blanchard, House of Representatives, Washington, D.C. 20515. (August 19, 1975.)

AOR 1975-59: Acceptance of Corporate Contributions for Non-Federal Purposes (Request Edited by the Commission).

GENTLEMEN: On August 30, 1975, President Gerald R. Ford will be the guest of honor at a fundraiser here in Rhode Island. We * * * [request an advisory opinion] regarding the following:

'The State of Rhode Island campaign law allows corporate political contributions. Would it be permissible to accept corporate donations * * * [in connection with a fundraising event at which a presidential candidate appears] as long as they were kept in a separate bank account and not used for any Federal candidate or committee? These funds would be used for State candidates and would not be used by the Republican State Committee.'

* * * * *

H. JAMES FIELD, Jr.,
State Chairman.

Source: H. James Field, Jr., State Chairman, Rhode Island Republican State Central Committee, Turks Head Building, Providence, Rhode Island 02903. (July 21, 1975.)

AOR 1975-60: Labor Union Sponsorship of Fundraising Raffle for Federal Candidate (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: On behalf of Citizens For Moffett, a lawfully constituted political organization in Connecticut, I hereby request a legally binding advisory opinion responsive to the below enumerated questions.

Each of these inquiries relates to a raffle contemplated by supporters of Congressman Toby Moffett, Sixth District Connecticut. Such raffle would:

Be conducted in compliance with the laws of the State of Connecticut;

Feature the sale of tickets to the general public at a cost of one dollar each;

Offer a trip or several trips as prize or prizes;

Be conducted solely by volunteers with all proceeds applied to prize and organizational costs and the remainder to be contributed to the Congressman's campaign fund;

Be so conducted as to assure accurate recordkeeping of all contributors and all contributions.

1. Would such a raffle constitute a legal fundraising activity under the laws of the United States and of the Federal Election Commission?

2. Can a labor union serving under State law as the raffles' sponsor promote and operate the raffle with union volunteers contributing their time without remuneration during their normal time off from regular employment?

3. If a labor union acts within State law as the raffle's sponsor and accordingly turns over the net proceeds to the Congressman's campaign fund, should such funds be reported by the Congressman's campaign fund as the contribution of the union or as the contributions of the individuals whose names and addresses were recorded at the time they purchased raffle tickets?

SALVATORE GIONFRIDDO,
Chairman, Citizens for Moffett.

Source: Salvator Gionfriddo, Chairman Citizens For Moffett, 181 Farmington Avenue Bristol, Connecticut 06010. (August 18, 1975.)

AOR 1975–61: Allocation of Expenditures for Services of Individual to Dual Candidate (Request Edited by the Commission).

DEAR COMMISSIONERS: This is an Advisory Opinion Request filed on behalf of the Bentsen in '76 political committee. The committee is duly registered as the principal campaign committee of Senator Lloyd Bentsen who is a candidate for nomination for election as President of the United States. Senator Bentsen also expects to be a candidate for the U.S. Senate in the State of Texas.

This request concerns the expenditure allocation standards to be used in cases of simultaneous candidacy where one individual may be performing tasks for both a Senate and Presidential campaign. For example, assume one accountant is handling bookkeeping duties for both the Bentsen Senate and the Bentsen Presidential campaigns in the State of Texas. Part of his salary is paid by the Senate campaign committee and part by the Presidential campaign committee.

Are there specific accounting methods that must be used to make a fair salary allocation for purposes of the expenditure limits in 18 U.S.C. § 608(c)? If not, may the campaigns adopt any accounting method that will yield an allocation that fairly reflects the actual billable time spent by the accountant on each of the campaigns?

* * * * *

ROBERT N. THOMSON,
Counsel, Bentsen in '76.

Source: Robert N. Thomson, Counsel, Bentsen in '76, Preston, Thorgrimson, Ellis, Holman, and Fletcher, 1776 F Street, NW., Washington, D.C. 20006. (July 8, 1975.)

AOR 1975–62: Contributions Used to Defray Fundraising Costs (Request of Abe Hirshfeld for U.S. Senate) (Request Edited by the Commission)

DEAR CHAIRMAN CURTIS: Abraham Hirschfeld intends to be a candidate for the Democratic nomination for United States Senate from New York.

* * * We are planning a fundraising dinner for Mr. Hirschfeld this fall. We realize the limitation of $1,000.00 per individual contributor to any candidate for Federal Office.

What we propose to do is sell tables at the dinner for $1,250.00 with tickets to clearly indicate that $1,000.00 of this amount is a contribution, and $250.00 is to help defray the cost of the dinner. (There will be ten seats for each table so $25.00 of each individual ticket will be used to pay the dinner expenses. The actual cost per person for putting on the dinner will be in excess of $25.00 per person) Our question is this: Are we within our legal rights in asking contributors to defray actual costs of the dinner as well as making a legal contribution of $1,000.00?

* * * * *

FRANK CEO,
Chairman, Abe Hirschfeld for U.S. Senate.

Source: Frank Ceo, Chairman, Abe Hirschfeld for U.S. Senate, 576 Fifth Avenue, New York, New York 10036. (July 8, 1975.)

AOR 1975–63: Honorariums to Federal Officeholders Appearing at Fundraiser Organization (Request Edited by the Commission).

GENTLEMEN: [We request an advisory opinion as to] * * * whether, if we have a speaker from Congress in this off-year who requests an honorarium for appearing at a luncheon designed as a *general organization fund-raising event*—not one for that particular individual—we have to report the speaker's honorarium as a political contribution to the individual, plus the travel expenses requested by the Congressional speaker for the speaker and the speaker's spouse.

COLLETTE NORTH.
ROSLYN COOPERMAN.
EDITH SCHWARTZ.

Source: Collette North, Coordinator, Roslyn Cooperman, Coordinator, Edith Schwartz, Treasurer, Women For: 8913 West Olympic Boulevard, Beverly Hills, California 90211. (August 19, 1975.)

AOR 1975—64: Solicitations for Fundraising Event to Retire 1972 Campaign Debt and 1973–74 Deficit in Office Expense Account (Request Edited by the Commission).

DEAR MR. CURTIS: I am hereby requesting a formal Advisory Opinion from The Federal Election Commission on the following situations.

I am planning a fund raiser in October 1975 to retire a 1972 campaign deficit not heretofore reported and a 1973–74 deficit for office expenses which were not reimbursed. Is it acceptable to retire these two debts with a single fund raiser? If so, should the solicitation clearly indicate that the funds contributed will be used for both campaign and office expense deficits?

CHARLES WILSON.

Source: Representative Charles Wilson, House of Representatives, Washington, D.C. 20515. (August 22, 1975.)

AOR 1975–65: Contribution from Immediate Family for Senate Campaign (Request Edited by the Commission).

[COMMISSIONERS:] My Friends Committee has asked me to write you for an advisory opinion [under 2 U.S.C. § 437(f)] * * * of the new federal regulations for campaign financing, specifically for a Senatorial campaign.

I am interested in determining if my wife's brother, sister, and parents are considered to be members of my "immediate family" for * * * purposes of [the] contribution [limits in 18 U.S.C. § 608]. Are they able to contribute over and above the $35,000 family limitation? Could you please clarify for me exactly whom the term "immediate family" does include. Do the spouses of my children also fall into this category?

ALPHONZO BELL,
U.S. Congressman.

Source: Alphonzo Bell, U.S. Congressman, Friends of Congressman Alphonzo Bell, P.O. Box 24144, Los Angeles, California 90024. (August 19, 1975.)

Dated: September 12, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-24708 Filed 9-17-75;8:45 am]

FILE THE FOLLOWING 14 PAGES UNDER "GUIDELINES"

Title 11—Federal Elections

CHAPTER I—FEDERAL ELECTION COMMISSION

[Notice 1975-34]

NEW HAMPSHIRE SENATE ELECTION

Interim Guideline

On June 2, 1975, the Federal Election Commission issued an Interim Guideline (Notice 1975-1) which directed all individuals, committees, and others subject to the Federal Election Campaign Act of 1971, as amended, to file the July 10, 1975 quarterly report with either the Secretary of the Senate, the Clerk of the House of Representatives, or the Federal Election Commission, depending upon the nature of the candidacy involved. Today, with respect to the Special Election to fill the vacancy in the office of United States Senator from New Hampshire, scheduled for September 16, 1975, the Federal Election Commission issues a guideline which directs the parties involved in the New Hampshire election to file directly with the Commission, and which sets out other rules of general applicability with respect to complying with the Federal Election Campaign Act in the pre- and post-election periods.

Dated: August 21, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

INTERIM GUIDELINE—NEW HAMPSHIRE SENATE ELECTION

I. Definitions. For purposes of this interim guideline the term

(a) "Candidate" means an individual whose name will appear on the ballot in the September 16, 1975 election to fill the New Hampshire Senate seat.

(b) "Election or special election" means the special election to be held on September 16, 1975, to fill the New Hampshire Senate seat.

(c) "Political committee" means a political committee which receives (or intends to receive) contributions or makes (or intends to make) expenditures with respect to the September 16, 1975 special election to fill the New Hampshire Senate seat.

(d) "Authorized committee" means a political committee which has been authorized in writing by a candidate to receive contributions or make expenditures for or in furtherance of the election of such candidate. Such authorization shall be provided to the chairman of such political committee and a copy shall be sent to the Commission.

II. Applicability of the Federal Election Campaign Act Amendments of 1974—A. *General.* For purposes of calculating the limitations on contributions and expenditures under 18 U.S.C. 608, the Commission has set July 30, 1975, the day that the Senate passed the Resolution declaring the New Hampshire Senate seat vacant, as a cutoff date. Subject to the next paragraph, all contributions received or expenditures made or incurred prior to July 31, 1975, will be considered as made with respect to the 1974 election, to which the limitations of 18 U.S.C. 608 did not apply. Such limitations will, however, apply to all contributions received or expenditures incurred subsequent to July 30, 1975, which contributions and expenditures shall be attributed to the September 16 special election, except to the extent that such contributions are earmarked for another purpose.

In the unique circumstances attending the holding of the September 16 special election, funds received or promised in writing subsequent to December 31, 1974 and prior to July 31, 1975 and which remained on hand as of July 30, 1975 may be expended or transferred for that special election by an authorized political committee to the extent that such contributions would be lawful under the Federal Election Campaign Act of 1971, as amended, and Title 18 U.S.C. All contributions to a candidate or his authorized political committee subsequent to December 31, 1974 and prior to July 31, 1975 must, however, be reviewed by the candidate or the appropriate committee treasurer. Such contributions shall be reviewed in reverse order of receipt, beginning with the last contribution received prior to July 31, 1975. To the extent that any contribution exceeds the limits set by 18 U.S.C. 608, such excess shall be set aside and excluded until the sum of the contributions so reviewed equals the amount of cash on hand on July 30, 1975, at which point an amount equal to the sum of the non-excluded portions of the contributions may be transferred to or expended on behalf of the candidate. If the excluded amounts, thus computed, or any portion thereof have already been transferred or expended, an equivalent sum shall be deducted from the current campaign funds of such candidate's authorized political committee or committees, and may not be used for the September 16 election, although such funds may be used for any other lawful purpose including the retirement of residual campaign debts from the 1974 election.

Excluded portions of contributions will not count against expenditure ceilings under the 1974 Act, but non-excluded portions will count against such ceilings. For example, if the most recent contribution was $500 contributed by an individual, which is non-excluded, that individual may not contribute more than $500 additional for the September 16 special election.

Each candidate must designate a new principal campaign committee to receive contributions and incur expenditures with respect to the September 16 special election.

B. *Prior campaign debts and obligations.* Debts and obligations of any candidate incurred with respect to the 1974 Senatorial election, or with respect to any subsequent recount activities, which remain outstanding will be subject to the guidelines set forth in the Commission's Policy Statement on Pre-1975 Campaign Debts (40 FR 32952 (August 5, 1975)) and Interim Guideline on the Reporting of Debts and Obligations (40 FR 32950 (August 5, 1975)). Reference is also made to Advisory Opinions 1975-5 and 6, 40 FR 31316 (July 25, 1975).

C. *Multicandidate committees.* Section 608(b)(2) of Title 18, United States Code establishes three requirements which multicandidate committees must satisfy before they qualify as a political committee subject to the $5,000 rather than the $1,000 contribution limitation. These requirements are: (1) Registration under 2 U.S.C. 433 for a period not less than six months; (2) the receipt of contributions from more than 50 persons; and (3) except for any state political party organization, the making of contributions to five or more candidates for federal office.

For the purpose of meeting these requirements for this election only, each political committee (1) must have been registered with one of the three previous supervisory officers for six months or more prior to the time the contribution is made, and, (2) with respect to the 1974 Congressional elections, each political committee must have received contributions from more than 50 persons and made contributions to five or more federal candidates. If a political committee meets these requirements, it may contribute $5,000 to a candidate in this election. If any of these requirements are not met, then the political committee is limited to a $1,000 contribution under section 608(b)(1).

D. *Expenditures by national and state committees.* National and state committees of political parties are entitled to make the expenditures provided in 18 U.S.C. 608(f) in connection with this election. Section 608(f) establishes separate expenditure limitations for political party committees in connection with a general election. The New Hampshire statute under which this election is to be held terms it a "special" election. For purposes of federal law, a general election is an election that is held to fill a vacancy in a federal office. Since the upcoming New Hampshire contest is such an election, it will be considered within the definition of general election.

E. *New Hampshire State committees—establishment of segregated funds.* Each New Hampshire state committee, and each subordinate committee of such state committees, which intends to solicit or receive contributions for or on behalf of, or make expenditures, or make transfers, in excess of $1,000, to or on behalf of any candidate for federal office shall:

(1) Establish a segregated federal campaign account in either a state or national bank which account may not receive contributions other than contributions earmarked for such account and any expenditure from which must be made exclusively for a candidate or candidates for federal office. Such segregated federal account may not receive transfers from another account established by a state committee or subordinate committee of a state committee unless such state or subordinate committee account is itself a segregated federal campaign account.

(2) File with the Commission reports and statements of receipts, contributions and expenditures made for such account.

III. *Candidate designations and reporting*—A. *Candidate designations.* (a) On or before September 8, 1975, each candidate shall file a Statement of Candidacy with the Commission on which such candidate shall—

(1) Designate a principal campaign committee, and

(2) Designate at least one national or state bank as a campaign depository, and

(b) Such candidate shall also file reports of personal receipts and expenditures in accordance with section V of this interim guideline unless a waiver of personal reporting is applied for and granted by the Commission.

B. *Waiver of candidate reporting.* (a) Upon written application to the Commission, a candidate may be relieved of the duty personally to file reports of receipts and expenditures if the candidate certifies that he will comply with the following conditions:

(1) Within five days after personally receiving any contribution the candidate will surrender possession of the entire contribution to the treasurer of his principal campaign committee without expending any of the proceeds thereof.

(2) Such candidate will not make any personal expenditure for his campaign, except that this paragraph does not preclude a candidate from conveying personal funds, or the personal funds of his immediate family, to such candidate's designated principal campaign committee so long as the amount of funds so transferred does not exceed the limit prescribed by 18 U.S.C. 608(a).

(b) After the candidate has submitted a verified statement that he will conform to the conditions specified above, the Commission, after such investigation as it deems necessary, may grant a formal waiver relieving the candidate from the obligation to comply personally with the reporting requirements in 2 U.S.C. 434.

(c) Such waiver will continue in effect only to the extent that the candidate complies with the conditions under which it was applied for and granted.

IV. Registration of political committees—A. *Registration.* (a) Unless already registered with the Commission or with one of the previous supervisory officers, each political committee which anticipates receiving contributions or making expenditures with respect to the special election during the remainder of calendar year 1975 in an aggregate amount exceeding $1,000 shall file a Statement of Organization with the Federal Election Commission on or before September 8, 1975, within 5 days after the date of its organization, or within 5 days after the date on which the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000 whichever is later.

(b) Authorized committees which support only a candidate for the Senate seat, and no other candidate, shall file the Statement of Organization required by paragraph (a) of this section, and any amendment thereto, or termination thereof, with the affiliated principal campaign committee and, concurrently, shall file a copy of such Statement with the Commission together with a copy of its written authorization.

B. *Forms of filing.* (a) The Statement of Organization shall be filed on a form which may be obtained from the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463, telephone (202) 382-5162. The Statement shall include the following:

(1) The name and address of the committee;

(2) The names, addresses, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope, or jurisdiction of the committee.

(4) The name, address, and committee position of the custodian of books and accounts.

(5) The name, address, and committee position of other principal officers, including officers and members of the finance committee, if any.

(6) The name, address, office sought, and party affiliation of (i) each candidate for federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other federal office or to any public office whatever; and, additionally, if the committee is supporting the entire ticket of any party, the name of the party;

(7) A statement whether the committee's existence will continue beyond the calendar year;

(8) The plans for the disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports regarding candidates for federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers and,

(11) If the committee is not a principal campaign committee but has been authorized by a candidate to receive contributions and/or make expenditures, a copy of the authorization shall be included in the copy filed with the Commission.

(b) (1) Affiliated organizations include all authorized committees of the same candidate;

(2) Connected organization includes any organization which is not a political committee but which organized or supports the registrant.

C. *Change or correction in information.* Any change or correction in the information previously filed in the Statement of Organization shall be reported to the Commission within 10 days following the date of the change or correction, it shall (1) be reported by letter to the Commission or to the principal campaign committee (whichever is appropriate); (2) identify the form and the item or schedule containing the information to be changed or corrected; and (3) be verified by oath or affirmation by the person required by law to submit such information at the time the change or correction is reported.

D. *Discontinuance of registration.* (a) Any political committee not having outstanding debts or obligations owed to or by it which, after having filed one or more Statements of Organization with the Commission, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Commission.

(b) Such Notice of Termination shall be filed with the Commission or the principal campaign committee, where appropriate, and shall include a statement as to the disposition of residual funds if the committee is disbanding.

E. *Identification number.* Upon receipt of a Statement of Organization under this interim guideline, the Commission shall assign an identification number to the organization, acknowledge the receipt thereof, and notify political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Commission under the Act, as well as on all communications concerning such reports or statements.

IV. Campaign depositories. Every political committee shall inform the Federal Election Commission, or its appropriate principal campaign committee, of the national or state bank(s) designated by its authorizing candidate as its campaign depository(ies) by listing them in its Statement of Organization.

V. Reports of receipts and expenditures—A. *Timing of reports.* The filing deadline for campaign finance disclosure reports as prescribed by the Act for the heretofore mentioned special election are as follows:

(a) Pre-election Report (10-day report). Filing date: Actual delivery to the Commission on or by September 6, 1975 or by registered or certified mail postmarked no later than September 4, 1975. Reports mailed first class will be considered filed only upon receipt by the Commission, regardless of date of postmark. Period Covered: From the last date of previous report filed or from date of organization through close of business September 1, 1975.

(b) Post-election report (30-day report). Filing date: On or by October 16, 1975—reports filed by registered or certified mail postmarked on or by such date shall be deemed filed as of the filing date. Period Covered: From September 2, 1975 through the close of business October 6, 1975.

(c) The timely filing of a post-election report as outlined in (b) above shall satisfy the requirements for filing a quarterly report on October 10, 1975.

(d) If any contribution of $1,000 or more is received subsequent to the fifteenth day but more than 48 hours before 12:01 a.m. of the day on which the

election is to be conducted, such information shall be reported directly to the Commission within 48 hours of receipt thereof. For purposes of this paragraph, report means—

(1) A letter signed by the treasurer or his designee hand delivered to the Commission within 48 hours of the receipt of the contribution, or

(2) A telegram to the Commission followed by a letter signed by the treasurer or his designee, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

B. *Contents of reports.* (a) Each report of receipts and expenditures required to be filed under this interim guideline by either a candidate or political committee shall contain the information required by 2 U.S.C. 434(b).

(b) Such reports may be filed on the Reports of Receipts and Expenditures forms issued previously by the Secretary of the Senate.

C. *Uniform reporting of contributions.* (a) Each contributor of an amount in excess of $100 shall be identified by full name and mailing address (occupation, and principal place of business, if any). If a contributor's name or address is known to have changed since an earlier contribution during the calendar year, the exact name or address previously used shall be noted.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same contributor and the aggregate exceeds $100 within the calendar year, the full name and mailing address (occupation, and principal place of business, if any) of that contributor shall then be listed on the prescribed reporting forms.

(c) In determining the aggregate of a person's contributions, all such contributions from the same donor shall be listed under the same name.

(d) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

D. *Uniform reporting of expenditures.* (a) Each expenditure by or on behalf of a candidate or committee in excess of $100 shall be itemized by and shall include the full name and residence or, in the case of a recipient other than an individual, other mailing address of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the aggregate exceeds $100 within the calendar year, the full name and residence or, in the case of a recipient other than an individual, other mailing address of that recipient shall be listed on the prescribed reporting forms.

VI. Document filing—A. *Place of filing.* (a) All statements and reports, including any modifications or amendments thereto, required to be filed under 2 U.S.C. 433 and 2 U.S.C. 434, shall be filed in original form with the Federal Election Commission. A copy of each statement or report shall be filed with the New Hampshire Secretary of State or the equivalent New Hampshire state officer.

(b) Notwithstanding paragraph (a)—

(1) Authorized committees which support only a candidate for the Senate, and no other candidate shall file reports with the authorizing candidate's principal campaign committee, and shall concurrently file a copy of such report with the Commission;

(2) Authorized multicandidate committees shall file reports with the Commission, and, in addition, shall file with the authorizing candidate's principal campaign committee the information required by 2 U.S.C. 434(b) regarding contributions received and expenditures made on behalf of the authorizing candidate;

(3) A multicandidate committee (whether authorized or unauthorized) which receives contributions earmarked by a contributor for any candidate or an authorized committee thereof shall report such contribution to that candidate's principal campaign committee in addition to the Commission.

B. *Copies transmitted to Secretary of Senate.* Upon receiving a statement or report filed by (a) a candidate and/or by (b) any political committee supporting one or more such candidates, the Commission shall within one working day, if practicable, and in any event not later than the second working day after receiving the filed statement or report, furnish a microfilm (or suitable equivalent) copy thereof, together with an index, to the Secretary of the Senate.

C. *Originals transmitted to the Secretary of the Senate.* (a) After receiving a filed statement or report within 5 working days if practicable and in any event no later than 10 days after receiving it, the Commission shall transmit the original statement report filed by (1) a candidate for the New Hampshire Senate seat, and by (2) any political committee supporting such candidate, to the Secretary of the Senate as custodian for the Commission.

(b) For purposes of the above paragraph the phrase "any political committee supporting such candidate" means:

(1) The principal campaign committee designated by a candidate, and

(2) Any political committee required to file a statement or report with the principal campaign committee of a candidate.

VII. Formal requirements—A. *Authentication.* Each report or statement required to be filed with the Commission or with a principal campaign committee under this interim guideline by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing such report or statement.

B. *Preservation of records.* (a) Every person filing a report or statement with the Commission or with a principal campaign committee under this interim guideline shall preserve a copy thereof for a period of three years from the date of termination of the Committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the reports and statements were prepared.

(b) Every candidate, political committee, or other person required to file any report or statement with the Commission or with a principal campaign committee under this interim guideline shall maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for audit, inspection, or examination by the Commission or its authorized representatives, for a period of not less than three years from the date of termination of the committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the records and statements were prepared.

C. *Effect of acknowledgment and filing by the Commission.* Any acknowledgment by the Commission of the receipt of any statement of organization or any report or statement filed under this interim guideline is intended solely to inform the person filing the same of the receipt thereof by the Commission, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Commission shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfills the filing or other requirements of the Act or of this interim guideline thereunder.

D. *Personal responsibility of person signing statement.* (a) Each treasurer of a political committee, each candidate, and any other person required to file any report or statement with the Commission under these regulations and under this interim guideline shall be personally responsible for the timely and complete filing of such report or statement and for the accuracy of any information or statement contained therein.

(b) The treasurer of each candidate's principal campaign committee shall be responsible for collecting, compiling and filing with the Commission a complete report of all authorized contributions received or authorized expenditures made on behalf of such candidate. The pre- and post-election reports filed by such treasurer shall include—

(1) With respect to the principal campaign committee, all of the information required by 2 U.S.C. 434(b).

(2) With respect to contributions received and expenditures made by authorized committees other than the principal campaign committee, a summary sheet setting forth the totals for all contributions received and expenditures made by such committees but need not include a copy of such authorized committee reports so long as each such authorized

committee has mailed a copy of such report to the Commission pursuant to paragraph VI(A)(b) of this interim guideline.

(c) With respect to the pre-election report it shall be the responsibility of the treasurer of each committee other than principal campaign committee which is authorized to receive contributions or make expenditures to file a report containing the information required by 2 U.S.C. 434(b) complete as of the fifteenth day before the election with the treasurer of the appropriate principal campaign committee by the 12th day prior to the election.

(d) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under 18 U.S.C. 1001.

Dated: August 21, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22659 Filed 9-2-75;8:45 am]

[Notice 1975-36]

DISBURSEMENT PROCEDURES FOR PUBLIC FINANCING OF CONVENTIONS

Interim Guideline

I. *Certification of entitlement to public funds for nominating convention expenses.* Title 26 U.S.C. 9008 authorizes the Federal Election Commission to certify to the Secretary of the Treasury for payments of the amounts to which the national committee of any major or minor party is entitled under 26 U.S.C. 9008 with respect to a presidential nominating convention, but the entitlement of each major party may not exceed the aggregate amount of $2,000,000.[1] The amount of each party's entitlement is adjusted annually based on increases in the Consumer Price Index. See 26 U.S.C. 9008(b)(5) and 18 U.S.C. 608(d).

II. *Information required to receive certifications for public funds.* To be eligible for public financing of their conventions, the national committees of the major parties shall submit or otherwise make available the following information to the Federal Election Commission in order that the Commission may forward the appropriate certification to the Secretary of the Treasury.

A. *For initial payment.* 1. Signature cards containing signatures of officials who have been authorized to sign requests for payment (Exhibit I);

2. The name and address of the commercial bank to be used as the committee's depository;

3. A request for an initial payment, supported by a statement projecting and describing estimated expenditures through the close of December 31, 1975. Specific dollar figures need not be assigned to the various itemized expenditure categories.

B. *For subsequent payments.* 1. Subsequent requests for disbursements after the initial disbursement shall be submitted quarterly commencing with January 1 in the year in which the convention will be held. Such requests should be submitted to the Commission within 10 days after the commencement of the quarter to which they relate.

2. The request is to include (a) a report in a form consistent with the requirements of 2 U.S.C. 434(b) of actual expenditures made during the previous period or quarter, and (b) the total amount of expenditures estimated through the close of the next quarter and the categories in which the proposed expenditures are to be made. No specific dollar figure need be assigned to the various itemized expenditure categories thus projected and described.

III. *Special approval for accelerated payment schedule.* Each quarterly disbursement will be based upon the legally permissible expenses projected for that quarter. The Commission will approve more than one disbursement per quarter where a showing is made that a deficit is likely to be incurred unless a further disbursement is made. Any request for such further disbursement should be supported by a summary of actual expenses previously incurred for the quarter together with the projected expenses which will occasion the deficit if a further disbursement is not forthcoming.

IV. *Transmittal of certification to Secretary of the Treasury.* Following Commission approval of any request for disbursement, the Commission shall forthwith transmit a certification for payment to the Secretary of the Treasury, who shall make payment in the amount certified to the national committee designated by the certification, but not to exceed the amounts in each account maintained under 26 U.S.C. 9008(a).

V. *Use of funds by committees.* Under 26 U.S.C. 9008(c), funds so disbursed shall be used only (1) to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits) by or on behalf of the national committee receiving such payments; or (2) to repay loans, the proceeds of which were used to defray such expenses, or otherwise to restore funds (other than contributions to defray such expenses received by such committee) used to defray such expenses. Any investment of public funds or their use in any other way which generates income is permissible only if the income so generated is used for the purposes described in this part V, and such income will be applied against the $2 million ceiling.

VI. *Repayments for funds improperly received or spent.* Repayments in an appropriate amount will be required from the national committees whenever they have (1) received payments in excess of their entitlement, (2) incurred expenses in excess of their spending limits, (3) improperly accepted private contributions to defray convention expenses, or (4) expended public funds in any manner other than to defray expenses incurred with respect to a presidential nominating convention. Repayments may not exceed the aggregate amounts actually received by a national committee under section 9008.

A. *Notification of need for repayment.* If the Commission determines that repayment is required in the circumstances stated above, it shall give written notification to the affected national committee of the amounts required to be paid and the reasons therefor.

B. *Collection of repayment by deduction from future payments.* The Commission may obtain such repayment by deducting such amount from the amount otherwise due the national committee for its next quarterly payment.

VII. *Post-convention Disbursements.* Pending the conclusion of any national convention, the Commission may in its discretion withhold an amount to be hereafter determined, but in any event not to exceed $200,000, which would otherwise bring the aggregate funds disbursed to the total allowed by law. Such withheld funds, if any, shall be subject to post-convention disbursement and such disbursement shall be made in the manner provided for in Part II-B above, except that such request shall include a list of all accounts payable and the purpose for which the expense was incurred. Post convention payments shall be subject to audit by the Commission and deduction of unauthorized expenditures in addition to other requirements imposed by law.

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[1] Under 26 U.S.C. 9008(b) the National committees of both major and minor parties are entitled to payments from public funds to defray expenses which they have incurred with respect to a presidential nominating convention. For a minor party to be entitled to its proportionate share of public funds for 1975 or 1976 convention expenses, its 1972 presidential candidate must have received (as the presidential candidate of that party) at least 5 percent of the total popular vote received by all presidential candidates in 1972. Accordingly, since no minor party presidential candidate received that many votes in 1972, there is no minor party that can qualify for convention funds in 1975 or 1976.

EXHIBIT I

Standard Form Funds	AUTHORIZED SIGNATURE CARD FOR PAYMENT	Account Number
Issued In Favor of (Recipient)		Issued by (Federal Agency)
SIGNATURES OF AUTHORIZED INDIVIDUALS		☐ Only one Signature Required or ☐ Any Two Signatures Required Sign or Countersign
Typed Name and Signature		Typed Name and Signature
Typed Name and Signature		Typed Name and Signature
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE AUTHORIZED INDIVIDUALS		APPROVED:
Date and Signature of Authorizing Official (Recipient)		Date and Signature of Agency Certifying Officer

VIII. *Commission's audit authority.* National committees affected by the foregoing should note the Commission's general authority and duties under 2 U.S.C. 437d and 438.

Dated: August 25, 1975.

NEIL STAEBLER,
Vice-Chairman for the Federal Election Commission.

[FR Doc.75-22940 Filed 9-2-75;8:45 am]

federal register

FRIDAY, AUGUST 22, 1975

PART V:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Proposed Rules and Notices of Systems of Records

FEDERAL ELECTION COMMISSION

[11 CFR Part 1]

[Notice 1975-25]

IMPLEMENTATION OF PRIVACY ACT

Proposed Rule

The Federal Election Commission today publishes its proposed rules regarding Implementation of the Privacy Act of 1974. The Commission also publishes today a statement of its systems of records, as required by the Privacy Act of 1974. The information contained in these publications today is designed to aid individual citizens in understanding what systems of records are maintained by the Federal Election Commission, where such records are located, and the manner in which individual access to pertinent records may be expeditiously facilitated. For previous Commission announcements bearing on public access to Commission documents see 40 FR 28580, July 7, 1975.

The Privacy Act of 1974 (Pub. L. 93-579) amended Title 5 U.S.C. 552 (Freedom of Information Act) by adding section 552a. Title 5 U.S.C. 552a(f) provides that each agency covered by the Act shall promulgate rules to inform the public about information maintained by the agency about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

The public is invited to comment or inquire about these proposed rules. Comments or inquiries should be addressed to: General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. All material received before September 10, 1975 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

PART 1—IMPLEMENTATION OF PRIVACY ACT

Sec.

AUTHORITY: 5 U.S.C. 552a.

§ 1.1 Purpose and scope.

(a) The purpose of this part is to set forth rules informing the public as to what information is maintained by the Federal Election Commission about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The regulations in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The regulations in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to 5 U.S.C. 552, the Freedom of Information Act, or requests for reports and statements filed with the Federal Election Commission which are public records and available for inspection and copying pursuant to Title 2 U.S.C. 438 (a)(4).

§ 1.2 Definitions.

As defined in the Privacy Act of 1974 and for the purposes of this part, unless otherwise required by the context, the following terms shall have these meanings:

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

"Maintain" includes maintain, collect, use or disseminate.

"Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to his or her education financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"System of Records" means a group of any records under the control of the Federal Election Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Commission's Systems of Records are published hereunder today.

"Routine use" means the use of such record for a purpose compatible with the purpose for which the information was collected.

"Commission" means employees of the Federal Election Commission.

"Commissioners" means the six appointees confirmed by Congress who are voting members of the Commission.

§ 1.3 Procedures for requests pertaining to individual records in a record system.

(a) Any individual may request the Commission to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person or in writing at the location and to the person specified in the notice describing that record system.

(b) An individual who believes that the Commission maintains records pertaining to him or her but who cannot determine which record system contains those records, may request assistance by mail or in person from the Staff Director, Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463 during the hours of 9 a.m. to 5:30 p.m.

§ 1.4 Times, places, and requirements for identification of individuals making requests.

(a) After being informed by the Commission that a record system contains a record pertaining to him or her, an individual may request the Commission to disclose that record in the manner described in this section. Each request for the disclosure of a record or a copy of it shall be made at the Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463 and to the system manager identified in the notice (published hereunder today) describing that system of records, either in writing or in person. Requests may be made by agents, parents, or guardians of individuals as described in § 1.10 (a) and (b).

(b) Each individual requesting the disclosure of a record or copy of a record shall furnish the following information with his or her request:

(1) The name of the record system containing the record;

(2) Proof as described in paragraph (c) of this section that he or she is the individual to whom the requested record relates;

(3) Any other information required by the notice describing the record system.

(c) Proof of identity as required by paragraph (b)(2) of this section shall be provided as described in paragraph (c) (1) and (2) of this section. Requests made by an agent, parent, or guardian shall include the authorization described in § 1.10 (a) and (b).

(1) Requests made in writing shall include a statement, signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identification in the form of a drivers license, birth certificate, passport, or other identification acceptable to the notary public. In any case in which, because of the extreme sensitivity of the record sought to be seen or copied, the Commission determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requester shall submit proof of identification similar to that described in paragraph (c)(1) of this section, acceptable to the Commission.

§ 1.5 Disclosure of requested information to individuals.

(a) Upon submission of proof of identification as required by § 1.4, the Commission shall, as soon as possible, allow the individual to see and/or obtain a copy of the requested record or shall send a copy of the record to the individual by registered mail. If the individual requests to see the record, the Commission may make the record available either at the location where the record is maintained

or at a place more suitable to the requester, if possible.

(b) The Commission must furnish each record requested by an individual under this part in a form intelligible to that individual.

§ 1.6 Special procedure: medical records. [Reserved]

§ 1.7 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished under this part, may request the Commission to correct or amend all or any part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the Commission through the person who furnished the record.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name of the system of records in which the record sought to be amended is maintained;

(3) The location of the system of records from which the individual record was obtained;

(4) A copy of the record sought to be amended or corrected or a sufficiently detailed description of that record;

(5) A statement of the material in the record that the individual desires to correct or amend;

(6) A statement of the specific wording of the correction or amendment sought;

(7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the correction or amendment sought.

§ 1.8 Agency review of request for correction or amendment of record.

(a) The Commission shall, not later than ten (10) days (excluding Saturdays, Sundays and legal holidays) after the receipt of the request for a correction or amendment of a record under § 1.7, acknowledge receipt of the request and inform the individual whether information is required before the correction or amendment can be considered.

(b) If no additional information is required, within ten (10) days from receipt of the request, the Commission shall either make the requested correction or amendment or notify the individual of its refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided in § 1.9 of this part.

(c) The Commission shall make each requested correction or amendment to a record if that correction or amendment will tend to negate inaccurate, irrelevant, untimely, or incomplete matter in the record.

§ 1.9 Appeal of initial adverse agency determination on amendment or correction.

(a) Any individual whose request for a correction or amendment has been denied in whole or in part, may appeal that decision to the Commissioners no later than thirty (30) days after the adverse decision is rendered.

(b) The appeal shall be in writing and shall contain the following information.

(1) The name of the individual making the appeal;

(2) Identification of the record sought to be amended;

(3) The record system in which that record is contained;

(4) A short statement describing the amendment sought; and

(5) The name and location of the agency official who initially denied the correction or amendment.

(c) Not later than thirty (30) days (excluding Saturdays, Sundays and legal holidays) after the date on which the Commission receives the appeal, the Commissioners shall complete their review of the appeal and make a final decision thereon. However, for good cause shown, the Commissioners may extend that thirty (30) day period. If the Commissioners extend the period, the individual requesting the review shall be promptly notified of the extension and the anticipated date of a decision.

(d) After review of an appeal, the Commission shall send a written notice to the requester containing the following information:

(1) The decision and, if the denial is upheld, the reasons for the decision;

(2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision; and

(3) The right of the requester to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission denial of the correction or amendment. The Commission shall make this statement available to any person to whom the record is later disclosed, together with a brief statement, if appropriate, of the Commission's reasons for denying the requested correction or amendment.

§ 1.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Any individual who desires to have a record covered by this part disclosed to or mailed to another person may designate such person and authorize such person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual and notarized. The agent shall submit, with the authorization, proof of the individual's identity as required by § 1.4(c).

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent, due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents, and proof of the individual's identity in a form that complies with § 1.4(c).

(c) An individual to whom a record is to be disclosed in person, pursuant to this part may have a person of his or her own choosing accompany him or her when the record is disclosed.

§ 1.11 Fees.

(a) The Commission shall not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Commission makes a copy of a record as a necessary part of the process of disclosing the record to an individual, the Commission shall not charge the individual for the cost of making that copy.

(b) If an individual requests the Commission to furnish a copy of the record, the Commission shall charge the individual for the costs of making the copy. The fee that the Commission has established for making a copy is ten cents ($.10) per page.

§ 1.12 Penalties.

Any person who makes a false statement in connection with any request for a record, or an amendment or correction thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 1.13 General exemptions. [Reserved]

§ 1.14 Specific exemptions.

(a) No individual, under the provisions of these regulations, shall be entitled to access to investigatory material compiled pursuant to authority granted under 2 U.S.C. 347g(a)(2) for use by the Commission in carrying out its law enforcement responsibilities under 2 U.S.C. 437d (6) and (11) and 2 U.S.C. 437g (a)(5), (6), and (7), 2 U.S.C. 437g(b) and 2 U.S.C. 438(a)(9).

(b) The provisions of paragraph (a) of this section shall not apply to the extent that application of the subsection would deny any individual any right, privilege or benefit that he or she would otherwise be entitled to receive:

(1) Under federal law unless the disclosure of such material would reveal the identity of a source who furnished information to the Commission under an express promise that the identity of the source would be held in confidence; or

(2) In the course of a formal hearing pursuant to 2 U.S.C. 437g(a)(4) or in a civil action instituted by the Commission under 2 U.S.C. 437g(a)(5).

REASON FOR EXEMPTION

In accordance with the provisions of section 3 of the Privacy Act of 1974 under 2 U.S.C. 552a(K), the Commission states the following reasons for exempting the investigatory material compiled for law enforcement purposes:

(1) The information gathered by the investigative staff of the Commission may form the basis for either civil and/or criminal proceedings.

(2) The work of the investigative staff will be in cooperation with the Office of General Counsel in the prepa[illegible]

of the case for either a hearing within the agency or litigation in appropriate courts. The reports compiled may represent the "work product" of the attorney when such information has been gathered at his or her direction and thus may not be subject to access by a party, even if litigation has been instituted.

(3) It may be necessary to seek information fro mpersons who desire not to be named and the names of these sources must be kept confidential in order to gather information and to protect the credibility of the Commission

(3) It may be necessary to seek information from persons who desire not to be named and the names of these sources must be kept confidential in order to gather information and to protect the credibility of the Commission for such purpose.

(4) The enforcement process requires that no information be released which may in any way hamper a thorough investigation of possible violations or give an opportunity to one under investigation to frustrate the Commission in the vigorous enforcement of the Federal Election Campaign Act of 1971, as amended.

Dated: August 11, 1975.

NEIL STAEBLER,
Vice Chairman,
Federal Election Commission.

[FR Doc.75-21545 Filed 8-21-75;8:45 am]

FEDERAL ELECTION COMMISSION
(NOTICE 1975-26)
Systems of Records

Notice is hereby given, pursuant to P.L. 93-579 (Privacy Act of 1974) that the Federal Election Commission has compiled its systems of records published herein. These systems identify the location of data which is available for inspection by an individual about records maintained on him or her. Any individual who believes that this agency maintains a record about him or her may request to inspect such record, if available, and to correct or amend it if necessary. Such request should be addressed to the system manager listed for the appropriate system.

Inquiries about these systems of records may be addressed to the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463, 202 382-5162.

Date: August 13, 1975

NEIL STAEBLER,
Vice Chariman,
Federal Election Commission.

FEC 1

System name: FEC advisory opinion requests and public comment.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Persons requesting advisory opinions from the FEC and persons commenting on such opinion requests.

Categories of records in the system: Letters requesting advisory opinions and letters commenting on such requests.

Authority for maintenance of the system: 2 U.S.C. Section 437 d (a)(7) and Section 437 f.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Commissioners and staff will use this system to draft advisory opinions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: Indexed by name, date and advisory opinion request (AOR) number.

Safeguards: Locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: The General Counsel, FEC, 1325 K Street, NW., Washington, D.C. 20463 (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name, address and AOR number.

Record access procedures: System manager.

Contesting record procedures: System manager

Record source categories: Advisory opinion requests and public comments.

FEC 2

System name: FEC audits and investigations.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Political committees, candidates and contributors subject to the Federal Election Campaign Act.

Categories of records in the system: Audit and investigative files.

Authority for maintenance of the system: 2 U.S.C. Section 437 d (a) 11, Section 437 g (a)(2), Section 437 g (b), and Section 438 (a)(9).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The General Counsel, Director of Investigations, Staff Director and Commissioners will use audit and investigation files for hearings, complaints, advisory opinions and regulations. Apparent violations may be referred to law enforcement authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: Indexed by name and identification number.

Safeguards: Locked safes in limited access locations. Access is limited to FEC staff on a restricted basis and to appropriate law enforcement agencies as directed by the Commission.

Retention and disposal: Indefinite

Systems exempted from certain provisions of the act: The following system is exempt pursuant to the provisions of 5 U.S.C. Section 552 a (K) (2) and accordingly implemented by proposed regulations issued this day under 11 CFR 001.14

FEC 3

System name: FEC compliance actions.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Persons who have filed complaints and persons complained about (respondent).

Categories of records in the system: Complaints, referrals and responses.

Authority for maintenance of the system: 2 U.S.C. Section 437 g (a)(1)(A), (B), Section 437 g (a), (2), (3), Section 437 g (b), Section 438 (a)(9).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compliance actions will be assigned by the General Counsel and Director of the auditing and investigations division to an attorney and an investigator for an investigation into the subject matter of the compliance action. Apparent violations may be referred to law enforcement authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: This system is indexed by compliance action number and respondent's name.

Safeguards: This system is kept in locked filing cabinets and behind locked interior office doors.

Retention and disposal: Indefinite.

Systems exempted from certain provisions of the act: The following system is exempt pursuant to the provisions of 5 U.S.C. Section 552 a (K) (2) and accordingly implemented by proposed regulations issued this day under 11 CFR 001.14.

FEC 4

System name: FEC correspondence.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Persons who have written to the FEC.

Categories of records in the system: Letters and responses.

Authority for maintenance of the system: 2 U.S.C. Section 437 d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Commission staff will use correspondence files to respond to inquiries from the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: This system is indexed by name and date.

Safeguards: This system is kept in locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Staff Director for Administration, FEC 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of person or committee and address.

Record access procedures: Sustem manager.

Contesting record procedures: System manager.

Record source categories: Correspondence to the FEC AND Commission responses to such correspondence.

FEC 5

System name: FEC meetings and telephone communications.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Outside persons who have talked by telephone or met with Commissioners or the Commission staff concerning a substantial interest matter.

Categories of records in the system: Summaries of meetings and telephone logs.

Authority for maintenance of the system: 2 U.S.C. Section 437 d (a)(9).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system may be used by any person for information purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: Indexed by date.

Safeguards: Locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Staff Director for Administration, FEC 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of outside person or committee, address and date.

Record access procedures: System manager

Contesting record procedures: System manager

Record source categories: Looseleaf meeting summaries and telephone logs from Commissioners and staff are consolidated monthly.

FEC 6

System name: FEC personnel.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Persons who have applied for employment and persons employed at the FEC.

Categories of records in the system: Resumes, applications and employment forms.

Authority for maintenance of the system: 2 U.S.C. Section 437c (f)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Staff Director and his or her designates will use the personnel system to hire employees of the Commission, and other appropriate personnel matters such as pay increases, vacation, sick leave and separation from the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: Indexed by name and job category.

Safeguards: Locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Staff Director for Administration, FEC, 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name and address.

Record access procedures: System manager.

Contesting record procedures: System manager

Record source categories: Personnel applications, resumes, interviews, employment forms, etc.

FEC 7

System name: FEC registration of political committees and designations by candidates.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Political committees.

Categories of records in the system: Registration statements filed with the FEC.

Authority for maintenance of the system: 2 U.S.C. Section 432, Section 433 and Section 437 b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system may be used by any person for information purposes. However, any information copied from such reports shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records and/or microfilm.

Retrievability: Indexed by candidate's name, by state, by committee name, by congressional district, by office sought, by candidate supported and by committee supporting a candidate.

Safeguards: Locked filing cabinets.

Retention and disposal: Reports are preserved for a ten year period except that reports relating solely to candidates for the House of Representatives are preserved for five years from the date of receipt.

System manager(s) and address: Director of Public Records, FEC, 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of candidate or committee, identification number and address.

Record access procedures: System manager.

Contesting record procedures: System manager.

Record source categories: Registrations and designations filed with the FEC.

FEC 8

System name: FEC reports of contributions and expenditures.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Political committees, candidates and contributors whose reports of contributions and expenditures are filed with the FEC.

Categories of records in the system: Reporting forms filed with the FEC.

Authority for maintenance of the system: 2 U.S.C. Section 434, Section 437 and Section 437a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system may be used by any person for information purposes. However, any information copied from such reports shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records and/or microfilm.

Retrievability: Indexed by candidate's name, by state, by committee name, by congressional district, by office sought, by candidate supported and by committee supporting a candidate.

Safeguards: Locked filing cabinets.

Retention and disposal: Reports are preserved for a ten year period except that reports relating solely to candidates for the House of Representatives are preserved for five years from the date of receipt.

System manager(s) and address: Director, Public Records Division, FEC, 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of candidate or committee identification number and address.

Record access procedures: System manager.

Contesting record procedures: System manager.

Record source categories: Reports filed with the FEC.

FEC 9

System name: FEC rulemaking and public comment.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Persons commenting on FEC proposed regulations.

Categories of records in the system: Letters commenting on proposed FEC rules.

Authority for maintenance of the system: 2 U.S.C. Section 437 d (a) 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system may be used by any person for information purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: Indexed by subject, date, individual and committee.

Safeguards: Locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Public Records Division, FEC, 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of person or committee, address and subject matter involved.

Record access procedures: System manager

Contesting record procedures: System manager

Record source categories: Rulemaking proposals and public comment received by the FEC on such proposals.

FEC 10

System name: Certification for primary matching funds and for election campaign funds.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: Candidates for nomination or election to the Office of President of the United States.

Categories of records in the system: Certification forms requesting matching funds or election funds and audit and investigation files.

Authority for maintenance of the system: 26 U.S.C. 9007 (a), 9006 (c); 26 U.S.C. 9033, 9037 (b), 0 9038 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Certification of eligibility for funds by presidential candidates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: This system is indexed by name of candidate.

Safeguards: This system is kept in locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Staff Director, FEC, 1325 K Street, NW., Washington, D.C. 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of presidential candidate.

Record access procedures: System manager.

Contesting record procedures: System manager

Record source categories: Certification reports filed with the Commission, investigations and audits.

FEC 11

System name: Payments for presidential nominating conventions.

Security classification:

System location: 1325 K Street, NW., Washington, D.C. 20463.

Categories of individuals covered by the system: National political parties.

Categories of records in the system: Certification forms for entitlement to payment and audit and investigation files.

Authority for maintenance of the system: 26 U.S.C. 9008 (b)(3), 9008 (g), 9008 (h).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Certification of eligibility for funds for presidential conventions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Paper records.

Retrievability: This system is indexed by name of national political party.

Safeguards: This system is kept in locked filing cabinets.

Retention and disposal: Indefinite.

System manager(s) and address: Staff Director, FEC, 1325 K Street, NW., Washington, D.C., 20463; (202) 382-5162.

Notification procedure: Inquiries should be addressed to the system manager and should include name of national political party.

Record access procedures: System manager.

Contesting record procedures: System manager.

Record source categories: Certification reports filed with the Commission, investigations and audits.

federal register

TUESDAY, SEPTEMBER 9, 1975

PART II:

FEDERAL ELECTION COMMISSION

■

PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guidelines

FEDERAL ELECTION COMMISSION

[Notice 1975-40]

PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guideline

Notice 1975—40, Supplementing Interim Guideline Published as Notice 1975-22 at 40 FR 33817, August 11, 1975.

I. *Eligibility for Payment From The Presidential Primary Matching Payment Account.* A candidate for nomination for election as President of the United States will satisfy the eligibility requirement in 26 U.S.C. § 9033(b)(3) if he or she certifies to the receipt of, and has in fact received, gifts of money in the requisite amounts made by a written instrument identifying the individual making the gift by full name and mailing address. Gifts of money will be considered only to the extent that the total amounts contributed by any one individual do not exceed $250 and are contributed on or after January 1, 1975.

For purposes of the foregoing and subject to Part II below:

A. "written instrument" means a check, money order, or other instrument containing the requisite information including a written receipt for a cash gift (not exceeding $100 and not made in violation of 18 U.S.C. § 615) issued by or on behalf of the donee candidate; countersigned in ink by the donor; and including the donor's full name, residential address, amount and date of the gift.

B. "gift of money" does not include a subscription, loan, advance or deposit of money, or anything of value, or anything described in 26 U.S.C. § 9032(4) (B), (C), and (D).

C. to be considered a contribution for matching purposes, the gift of money must be received by the candidate or his or her committee and deposited in a designated campaign depository.

II. *Aggregate Amount of Contributions That Satisfy Initial Eligibility for Matching Payments.* Contributions that qualify under the foregoing are determined without regard to costs incurred by a candidate (seeking nomination for election to the office of President) in raising the aggregate amount required under section 9033(b)(3), except that gifts of money received due to an event, sale or other occurrence which confers a private benefit upon the contributor are contributions only to the extent that the amount received exceeds the cost or, in appropriate cases, the fair market value of the private benefit. The candidate or committee must maintain records to establish the cost or fair market value.

III. *Matchable Contributions After Initial Eligibility Is Established.* After initial eligibility is established under 26 U.S.C. § 9033, a candidate for presidential nomination will be entitled to matching payments in accordance with 25 U.S.C. § 9034. The Commission will in due course, by regulation or other announcement, provide guidance regarding the schedule and manner of such matching payments.

IV. *Commission's General Audit Authority and Duties.* Candidates for nomination for election to the office of President should note the Commission's general authority and duties under 2 U.S.C. § 437d and 438. They should also note the prohibition in 18 U.S.C. § 614 on the making of contributions in the name of another person and the knowing acceptance of such contributions.

Dated: September 2, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-23667 Filed 9-8-75;8:45 am]

FILE THE FOLLOWING 2 PAGES UNDER "NOTICES"

FEDERAL ELECTION COMMISSION

[11 CFR Part 113]

[Notice 1975-31]

OFFICE AND FRANKING ACCOUNTS: EXCESS CAMPAIGN CONTRIBUTIONS

Notice of Hearing

The Federal Election Commission today publishes a notice of hearings to be held on Tuesday and Wednesday, September 16 and 17, 1975. The hearings are for the purpose of receiving further comments from interested persons on the proposed rules published in the FEDERAL REGISTER, Volume 40, Number 151—Tuesday, August 5, 1975, at page 32951, entitled "Office Accounts and Franking Accounts: Excess Campaign Contributions", Notice 1975-18.

All persons wishing to present views at these hearings shall no later than Wednesday, September 10, 1975, request in writing to be placed on the calendar. This request should be adressed to the General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Further, all persons desiring to appear must submit to the Commission at its offices at 1325 K Street, N.W., Washington, D.C. 20463, a written statement setting forth their proposed testimony, no later than Thursday, September 11, 1975. All questions regarding the above notice should be addressed to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C., or telephone 202-382-5839. The location and hours of the hearings will be designated by the Commission in a subsequent notice.

Dated: August 20, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22483 Filed 8-21-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 113]

[Notice 1975-32]

OFFICE ACCOUNTS AND FRANKING ACCOUNTS; EXCESS CAMPAIGN CONTRIBUTIONS

Extension of Time To Comment on Proposed Rulemaking

The time period within which written comments may be submitted to the Federal Election Commission concerning any part of the notice of proposed rulemaking entitled "Office Accounts and Franking Accounts: Excess Campaign Contributions", (Notice 1975-18, 40 FR 32951, August 5, 1975), is hereby extended from September 4, 1975 to September 19, 1975.

Dated: August 20, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-22505 Filed 8-25-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 113]

[Notice 1975-41]

OFFICE AND FRANKING ACCOUNTS: EXCESS CAMPAIGN CONTRIBUTIONS

Notice of Hearing, Time and Place

The Federal Election Commission published a notice of hearings to be held on Tuesday and Wednesday, September 16 and 17, 1975, in the FEDERAL REGISTER, Volume 40, No. 164—Friday, August 22, 1975, at page 36869 entitled "Office and Franking Accounts: Excess Campaign Contributions—Notice of Hearing", Notice 1975-31.

The Federal Election Commission today publishes notice that these hearings will be held on the date specified in the earlier notice in the main courtroom at the United States Court of Claims, 717 Madison Place (Lafayette Square), NW., Washington, D.C. 20005. The hearings will commence at 10:00 a.m. and run until 12:30 p.m., reconvene at 2:00 p.m. and adjourn at 4:00 p.m.

All questions regarding the above notice should be addressed to the Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or telephone 202-382-5839.

Dated: September 4, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-23866 Filed 9-8-75;8:45 am]

BPTTV-5275	New, unincorporated villages of Riverside and Raymond, Colo. Platte Valley Farm Supply Company d/b/a Translator TV, Inc. Req: Channel 3, 1 watt. Primary: KMGH-TV, Denver, Colo.
BPTTV-5276	New, unincorporated villages of Riverside and Raymond, Colo. Platte Valley Farm Supply Company d/b/a Translator TV, Inc. Req: Channel 8, 1 watt. Primary: KOA-TV, Denver, Colo.
BPTTV-5277	New, unincorporated villages of Riverside and Raymond, Colo. Platte Valley Farm Supply Company d/b/a Translator TV, Inc. Req: Channel 10, 1 watt. Primary: KWGN-TV, Denver, Colo.
BPTTV-5278	New, unincorporated villages of Riverside and Raymond, Colo. Platte Valley Farm Supply Company d/b/a Translator TV, Inc. Req: Channel 12, 1 watt. Primary: KBTV(TV), Denver, Colo.
BPTTV-5279	New, Hoopa Valley, Calif. Hoopa Valley Chamber of Commerce. Req: Channel 2, 5 watts. Primary: KBHK-TV, Oakland, Calif.
BPTTV-5284	New, Potter Valley, Calif. Potter Valley Television Association. Req: Channel 4, 1 watt. Primary: KBHK-TV, Oakland, Calif.
BPTTV-5291	New, Kayenta, Ariz. Kayenta TV Association. Req: Channel 4, 1 watt. Primary: KGGM-TV, Albuquerque, N. Mex.
BPTTV-5292	New Kayenta, Ariz. Kayenta TV Association. Req: Channel 13, 1 watt. Primary: KOAI-TV, Flagstaff, Ariz.
BPTTV-5295	New, Paradise Valley, Nev. Humboldt County Television Maintenance Board. Req: Channel 9, 5 watts. Primary: KBCI-TV, Boise, Idaho.
BPTTV-5296	New, Paradise Valley, Nev. Humboldt County Television Maintenance Board. Req: Channel 11, 5 watts. Primary: KTVB(TV), Boise, Idaho.
BPTTV-5301	New, Saratoga and Rural County, Wyo. Jeffrey City Community TV Association. Req: Channel 7, 5 watts. Primary: KOA-TV, Denver, Colo.
BPTTV-5302	New, Jeffrey City and Rural Area, Wyo. Jeffrey City Community TV Association. Req: Channel 13, 10 watts. Primary: KOA-TV, Denver, Colo.

[FR Doc.75-23136 Filed 8-29-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-38]

NEW HAMPSHIRE SENATE ELECTION

Request for Opinion of Counsel; Solicitation of Public Comments

The Federal Election Commission today publishes an inquiry from the campaign manager for Mr. Louis Wyman in connection with the September 16, 1975 special Senatorial election in New Hampshire. Because of the imminence of that election, the Commission will respond to this inquiry on September 4, 1975. The Commission wishes to receive as much public response as is possible with regard thereto. Comment may be submitted in writing or by telephone to Mr. Bradley Litchfield, Assistant General Counsel, Federal Election Commission, 1325 K Street, N.W. Washington, D.C. 20463, telephone Area Code (202) 382-5657. The letter follows:

Dear Mr. Murphy:

This letter is our request for the Counsel's opinion on a series of questions. These arise from anticipated circumstances in the campaign to elect Mr. Louis Wyman in the special Senate Election in New Hampshire on September 16, 1975.

President Ford and former Governor Reagan may travel to New Hampshire. While here they may hold rallies, press conferences and attend public meetings. On these occasions they may appear with Louis Wyman and endorse his candidacy. Their expenses will not be paid by the Wyman-For Senate Committee which is the principal campaign committee for him.

Our questions are:

1. Does this constitute a contribution in kind to the Wyman campaign?

If so:

2. How is that contribution to be computed?

3. Does their travel to and from New Hampshire count?

4. What does a candidate do to avoid accepting this kind of contribution under the law?

We would appreciate your prompt response since decisions are being made daily which affect the points raised in this letter.

GEORGE YOUNG,
Campaign Manager.

Source: Wyman for Senate, by George Young, Campaign Manager, P.O. Box 1457, Concord, New Hampshire 03301 (August 12, 1975).

Dated: August 28, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

[FR Doc.75-23273 Filed 8-29-75;8:45 am]

[Notice 1975-39]

NEW HAMPSHIRE

10-Day Pre-Election Report; Extended Office Hours

The Federal Election Commission announces extended office hours for assistance to the public on Saturday, September 6, 1975. This is the filing date for the 10-Day Pre-Election Report in the special election being held on September 16, 1975 to fill the vacancy in the United States Senate for the State of New Hampshire.

The Federal Election Commission, located at 1325 K Street, N.W., Washington, D.C. (202-382-5162 or Public Records Division 202-382-7012) will be open on September 6, 1975 from 10 a.m. to 4:00 p.m. These extended hours are provided in order that statements and reports may be filed with the Commission and be made available to the public as soon as practicable after receipt.

NEIL STAEBLER,
Vice Chairman, Federal Election Commission.

[FR Doc.75-23378 Filed 8-29-75;12:56 pm]

FEDERAL ENERGY ADMINISTRATION

TRANSPORTATION ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of Section 9(a)(2) of the Federal Advisory Committee Act (PL 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties imposed on the Federal Energy Administration by law, to establish the Transportation Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: August 25, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-23232 Filed 8-28-75;10:56 am]

TRANSPORTATION ADVISORY COMMITTEE

Charter

A. ESTABLISHMENT

The Administrator, Federal Energy Administration (FEA), having determined after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice on energy use in the national transportation sector is in the public interest in connection with the duties imposed on the FEA by law, hereby establishes the Transportation Advisory Committee pursuant to the Federal Advisory Committee Act (PL 92-463).

B. DUTIES, FUNCTIONS, AND ADMINISTRATIVE PROVISIONS

1. *Objectives and Scope.* The objectives of the Transportation Advisory Committee is to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related