

# **federal register**

**THURSDAY, SEPTEMBER 18, 1975**



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**PART II:**

## **FEDERAL ELECTION COMMISSION**

**ADVISORY OPINION  
REQUESTS**

## 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 1/2

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 de-

termining 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 Palms 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: Salvatore 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 Hirschfeld 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 Fund-raiser 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 Fund-raising 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]