

federal register

WEDNESDAY, AUGUST 20, 1975



PART III:

FEDERAL ELECTION COMMISSION



FEDERAL ELECTIONS

**Publication of Several Requests for
Advisory Opinions; Extension of
Comment Period**

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 Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, N.W., 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 re-

quirement 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 SIR: 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. 608.1

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

Source: Thomas B. Wilson, Treasurer, Dodd for Congress Committee, Sulsman, 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 donors 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. Hearnnes (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. HEARNNES.

Source: Warren E. Hearnnes, 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 prescription 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 definition 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 inappropriate 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 or-

ganized 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.

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