FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 14, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Morley
Campaign Manager
Allyson Schwartz for Congress
8253 Bustleton Avenue, Suite 102
Philadelphia, PA 19152

Re: AOR 2004-13

Dear Mr. Morley:

This refers to your letter dated April 18, 2004, requesting an advisory opinion on behalf of Allyson Schwartz for Congress, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to any transfer of personal funds from the primary election to the general election by Ms. Schwartz's general election opponent, Ms. Melissa Brown.

The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. § 437f(a). Commission regulations explain that such a request "shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future." 11 CFR 112.1(b). Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests. *Id.*

Prior to consideration of your advisory opinion request, the Commission received a comment from Ms. Brown's counsel indicating that no personal funds were, in fact, transferred from her primary campaign to her general election campaign (copy enclosed). Consequently, this Office determined that your request presents a hypothetical situation and does not qualify as a proper advisory opinion request. By a vote of 6-0 on May 13, 2004, the Commission concurred with this assessment.

Accordingly, you are hereby advised that with this letter the Commission has concluded its consideration of Advisory Opinion Request 2004-13.

Sincerely,

Lawrence H. Norton
General Counsel

Enclosure