



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 12, 1976

AO 1975-119

The Honorable Ted Stevens
Chairman, National Republican
Senatorial Committee
United States Senate
Washington, D.C. 20510

The Honorable J. Bennett Johnston, Jr.
Chairman, Democratic Senatorial
Campaign Committee
United States Senate
Washington, D.C. 20510

Dear Senators:

This refers to your request for an advisory opinion, AOR 1975-119, concerning application of the honorarium limitations in the Federal Election Campaign Act of 1971, as amended, to incumbent senators who are also candidates in 1976.

Your letter poses the question whether such a senator may accept an honorarium for an appearance before a group of approximately 100 business executives including approximately 20 executives who reside in the senator's home state. You state that the speaking invitation was extended in order to get the senator's "views on a number of issues before the Senate that will impact the economy generally, and the business communities specifically."

The Federal Election Campaign Act Amendments of 1976 specifically modify the definition of "contribution" in 2 U.S.C. §431(e) to provide that an honorarium within the meaning of 2 U.S.C. §441i is not regarded as a "contribution." Consequently an honorarium received under the circumstances described would not be regarded as a contribution subject to limitation under 2 U.S.C. §441a(a), provided the senator recognized the receipt of such an honorarium as personal income before using it in connection with a campaign for Federal office. Honorariums are, of course, subject to separate limitations under 2 U.S.C. §441i.

The foregoing constitutes an advisory opinion concerning the application of a general rule of law stated in the Act (see 2 U.S.C. SS 437f) to the specific factual situation set forth in your request.

Sincerely yours,

(signed)

Vernon W. Thomson
Chairman for the
Federal Election Commission