

Advisory Opinion 1975-30

Use of Campaign Fund for Newspaper Subscriptions and Travel Expenses

This advisory opinion is rendered under 2 U.S.C. SS 437f in response to a request for an advisory opinion which was submitted by Congressman David R. Bowen, and published as AOR 1975-30 in the August 20, 1975, Federal Register (40 FR 36532). Interested parties were given an opportunity to submit written comments relating to the request. No comments received.

The request generally asks whether certain expenditures may be made by the principal campaign committee of a Member of Congress, under the Federal Election Campaign Act of 1971, as amended, and pertinent provisions in Title 18, United States Code. Specifically, it was asked whether a campaign fund may be used to:

- (a) purchase newspaper subscriptions; and
- (b) reimburse the Member for travel expenses incurred in connection with the Member's political appearances in his Congressional District.

The Act generally defines an expenditure both for the disclosure requirements (2 U.S.C. 431(f)) and the limitations on expenditures (18 U.S.C. 591(f)), as a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination for election, or election of any person to Federal office. While the Act does provide that certain activities are not to be subject to the provisions providing for the reporting and limitation of expenditures (2 U.S.C. 431(f)(4) and 18 U.S.C. 591(f)(4)), the Act in now way limits the right of a candidate to make his own determination as to what expenditures should be made by his campaign. Thus any expenditure which a candidate or his principal campaign committee report as having been made for purposes of influencing a Federal election, will be treated accordingly and counted toward the appropriate limitations provided in 18 U.S.C. 608(a) and (c).

Accordingly, it is the opinion of the Commission that expenditures may be made by a candidate or his principal campaign committee for the purpose of (a) purchasing newspaper subscriptions; (b) reimbursing a Member of Congress for travel expenses incurred in connection with the Member's political appearances in his Congressional district, and for any other purpose intended to influence a Federal election.

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