

## ADVISORY OPINION 1975-51

### Use of Excess Campaign Funds to Purchase Congressional Office Equipment

This advisory opinion is issued pursuant to 2 U.S.C. §437f in response to a request by Congressman James L. Oberstar. The request was published in the September 3, 1975, Federal Register (40 FR 40678), and interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

In his request, Congressman Oberstar stated:

Our office plans to install a computer terminal to meet the demands of constituent mail. The cost of the terminal will exceed our office allotment and, therefore we would like to use excess campaign funds to establish a separate Oberstar Office Equipment account.

Congressman Oberstar has asked whether the use of campaign funds in the manner described is legal.

Under 2 U.S.C. SS 439a, "[a]mounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, . . . may be used by such candidate or individual, . . . to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, . . . or may be used for any other lawful purpose." The use of excess campaign funds to install a computer terminal for use in handling constituent mail would be permitted under this section.

The Commission is currently in the process of proposing a regulation pertaining generally to office accounts and in particular to the applicability of expenditure limitations to nonappropriated funds expended to support the activities of an officeholder.

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