

ADVISORY OPINION 1975-62

Payment by Contributors of Expenses of Fund-raising Dinner

This advisory opinion is rendered under 2 U.S.C. §437f in response to a request submitted on behalf of Abe Hirschfeld, a candidate for the Senate. The request was published in the September 18, 1975, Federal Register (40 FR 43167). Interested parties were given an opportunity to submit comments relating to the request. No comments were received.

The requesting party seeks an advisory opinion indicating whether a contributor would exceed the \$1,000 per candidate per election contribution limit if he or she pays \$1,250 for a ticket to a fund-raising dinner with the understanding that \$1,000 of this amount is to be considered a contribution and \$250 is to defray the costs of the dinner. In essence, the question posed is whether the payment of fund-raising costs by a contributor constitutes a contribution.

The Commission's opinion is that such a transaction would be a contribution and that the \$1,250 payment would exceed the contribution limits of the donor under 18 U.S.C. §608(b). See AO 1975-15, 40 FR 44040. 18 U.S.C. §591(e)(1) defines the term "contribution", for the purposes of the expenditure limitations, as ". . . a gift, subscription, loan, advance, or deposit of money or anything of value . . . made for the purpose of influencing the nomination for election or election of any person to Federal office . . .". Clearly, the payment of fund-raising costs would be for this purpose. Moreover, 18 U.S.C. §591(f)(4)(H) allows candidates to expend up to 20 percent in excess of their expenditure limitations for the purpose of raising funds. To permit contributors to pay these expenses without limitation would, in effect, nullify both the contribution and expenditure limits in 18 U.S.C. §608.

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