



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

5 AUG 1976

Re: AOR 1975-76

Morton C. Blackwell, Chairman
Committee for Responsible Youth Politics
3128 N. 17th Street
Arlington, Virginia 22201

Dear Mr. Blackwell:

This is in further response to your request for an advisory opinion concerning a political committee's purchase and distribution of opinion poll results and other related matters. I apologize for the delay in contacting you again.

The Commission initially deferred responding to your request in the form of an advisory opinion because it was hypothetical in nature and did not inquire "whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of this act" (Emphasis added.) See former 2 U.S.C. §437f (1974). The present advisory opinion authority of the Commission likewise extends only to "a specific factual situation." (Emphasis added.) See 2 U.S.C. §437f (1976). Consequently, the Commission may not render an advisory opinion regarding your inquiry.

Your request, nevertheless, has served as the focal point of efforts by the Commission to draft proposed regulations which would govern the treatment of political polling expenses under the Federal Election Campaign Act of 1971, as amended ("the Act"). Of course, the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), curtailed the issuance by the Commission of any such regulations. On May 11, 1976, the Federal Election Campaign Act Amendments of 1976 were enacted. Those amendments reconstituted the Commission and reestablished a procedure for the proposing of regulations to implement the amended Act. On July 30, 1976, the Commission approved a proposed regulation concerning polling expenses incurred by a candidate or a contributor, a copy of which is enclosed. The latter proposed regulation specifically addresses the issues raised in your inquiry.

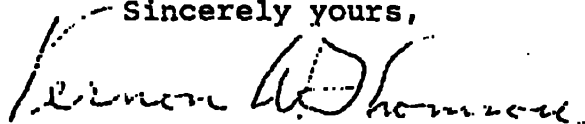


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The proposed regulation was submitted to the Congress on August 3, 1976, for a review period of thirty legislative days and may be prescribed by the Commission only if neither the House nor the Senate disapproves them within that period. See 2 U.S.C. §438(c).

In view of the circumstances, no further response to your inquiry appears to be needed. Again, I apologize for the delay involved. Your patience and understanding are greatly appreciated.

Sincerely yours,



Vernon W. Thomson
Chairman for the
Federal Election Commission

Enclosure

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