

AO 1976-17

Roger R. Mulholland, Esquire  
Socialist Labor Party  
and SLP Campaign 1976  
804 "A" Street  
San Rafael, California 94901

Dear Mr. Mulholland:

This refers to your request for an advisory opinion under 2 U.S.C. §437f, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), to certain payments to the vice presidential candidate of the Socialist Labor Party (SLP), Constance Blomen. Specifically, you ask the following:

- (a) whether the payment of wages to Ms. Blomen by the SLP is regarded as a contribution to her or on behalf of her campaign, and
- (b) whether subsistence payments to Ms. Blomen by SLP Campaign 1976, her authorized principal campaign committee, to compensate her for her field work for the SLP are permissible under the Act.

According to your letter, Ms. Blomen was nominated as the vice presidential candidate of the SLP at its convention on February 11, 1976. Prior to that time she was employed as a field worker by the national office of the SLP, and engaged in party-building and political-education activities on behalf of the SLP. For this she received, as did other SLP field workers, a daily wage plus reimbursement of travel expenses. Since her nomination Ms. Blomen has continued her field work, and you state that the only difference between her work prior and subsequent to her nomination is her identification as the SLP's vice presidential candidate at speaking engagements, in leaflets, and in the SLP's weekly paper. She has also performed occasional travel outside her usual work area during her candidacy. You note that she will discontinue field work commencing September of 1976, when she expects to tour throughout the United States as a candidate.

The first question concerns the payment of wages for SLP field work to Ms. Blomen who is concurrently a Federal candidate within the meaning of 2 U.S.C. § 431(b). The question is whether these wages are regarded as a contribution to her from the SLP for purposes of the limitations in 2 U.S.C. §441a(a).

The Commission concludes that in the circumstances described in your request wages paid by the SLP to Ms. Blomen for party-building activity are not a contribution to her as a candidate or to her campaign, in that they are not made with respect to her election as vice president, but rather to stimulate the growth of the SLP. Accordingly,

while they are reportable expenditures of the SLP under 2 U.S.C. §431(f) and §434, they are not contributions for purposes of §441a(a).

The Commission concurs with the conclusion reached by the SLP with respect to its second question: Ms. Blomen's principal campaign committee, SLP Campaign 1976, can reimburse her for subsistence expenses incurred as a SLP field worker. The Act defines expenditure in 2 U.S.C. §431(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 or election of any person to Federal office. Generally, a candidate has discretion to determine what expenditures should be made during his or her campaign, and therefore any disbursements made and reported by the campaign committee as expenditures will be deemed to be for the purpose of influencing the candidate's election. Thus, payments from campaign funds to Ms. Blomen for living expenses, incurred while engaged in either campaign activities or party-building activity, would be permissible expenditures and subject to disclosure under 2 U.S.C. §434.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

(signed)  
Vernon W. Thomson  
Chairman for the  
Federal Election Commission