



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 29, 1976

AO 1976-53

Mrs. Lois Ann Murray
Iannitti for Congress
Carlton House, Suite A
2082 Post Road
Warwick, Rhode Island 02886

Dear Mrs. Murray:

This letter is in further response to yours of April 15, 1976, concerning the application of the Federal Election Campaign Act of 1971 ("the Act"), as amended, to certain expenditures made by the principal campaign committee of Thomas V. Iannitti, a Federal candidate.

As you know, the Supreme Court held in Buckley v. Valeo, 424 U.S. 1 (1976), that the Commission as then constituted lacked the power to issue advisory opinions. From the date of that decision on January 30 until reconstitution of the Commission on May 21, 1976, no advisory opinions could be issued. Moreover, since May 21 the Commission has been required to give priority to the consideration of proposed regulations which must be submitted to Congress under 2 U.S.C. §438(c). We apologize for the unavoidable delay in responding to your request.

You requested an advisory opinion as to whether a candidate's principal campaign committee may rent office space in the candidate's private home from the candidate, and, further, whether the campaign committee may lawfully pay for the candidate's groceries, heat, mortgage, etc., since the candidate is on leave without pay from his job while seeking Federal office.

It is the Commission's opinion that these expenditures by the candidate's principal campaign committee are permissible under the Act. In general, the Commission's concern in such a situation lies with the source and amount of contributions to a Federal candidate and his authorized committee. The payments which you describe would constitute expenditures by the principal campaign committee which may be unlimited. Such expenditures would, of course, be required to be reported by the principal campaign committee pursuant to 2 U.S.C. §434.

Your last question asks whether persons receiving unemployment compensation from the State of Rhode Island can make contributions to a Federal election campaign. It is provided in 18 U.S.C. §604 that: "Whoever solicits or receives any . . . contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined no more than \$1,000 or imprisoned not more than 1 year or both." The Act does not give the Commission power to formulate general policy or to render advisory opinions with respect to 18 U.S.C. §604. See 2 U.S.C. §§437d(a)(9) and 437f(a). I suggest that you direct this question to the Public Integrity Section, Criminal Division, U.S. Department of Justice, since §604 is within the general authority of the Attorney General of the United States.

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