



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 26, 1976

AO 1976-57

Honorable Harold Ford
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Ford:

This responds to your letter of July 21, 1976, asking whether you may use excess campaign funds to pay for computer services for your Washington office.

Your letter states that the system which you contemplate using requires payment of a monthly base charge of \$500 plus additional charges for computer time actually used during the billing period, and that once the \$500 base charge is paid the time may be used either for official business or by your campaign committee without payment of an additional base charge. Your letter then asks the following two questions: (1) Does 2 U.S.C. §439a, or any other section of the Federal Election Campaign Act of 1971, as amended ("the Act") permit the payment of the \$500 monthly base charge by your campaign committee thereby enabling you to use computer time for official business without paying the monthly base charge? (2) If the answer to question (1) is in the affirmative does 2 U.S.C. §439a, or any other section of the Act, authorize the payment by your campaign committee from excess campaign contributions of additional charges for computer time actually used by you for the conduct of official business?

In the Commission's opinion both questions may be answered in the affirmative, because as you suggest, 2 U.S.C. §439a specifically permits a Federal officeholder's use of excess campaign funds "to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office." The payments, whether or not expenditures as defined in 2 U.S.C. §431(f), must of course be reported by your campaign committee. 2 U.S.C. §434.

You also may wish to review Part 113 of the Commission's proposed regulations which deals with the subject of "Office Accounts: Excess Campaign Funds" (copy enclosed). The Commission has given final approval to its proposed regulations but those regulations may not be prescribed by the Commission until they have been

submitted to Congress and not disapproved by either the House or the Senate for thirty legislative days. The regulations were submitted to Congress on August 3, 1976.

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

Enclosure