



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 2, 1976

AO 1976-62

Casey N. Kaplan
Ramsey Clark/Senate '76
505 Fifth Avenue
4th Floor
New York, New York 10017

Dear Ms. Kaplan:

This responds to your letter of August 2, 1976, requesting an advisory opinion regarding the applicability of the Federal election laws to a fundraising activity in the form of a concert. Originally, you proposed that the tickets would be sold through Ticketron. Since then you have informed us that the tickets will be sold at the door, and our opinion will address that situation.

Under the Federal Election Campaign Act of 1971, as amended, your committee must keep a record of all tickets sold for the concert including the full name and address of the principal place of residence of every person who purchases tickets in an amount that exceeds \$50. If, taken with other contributions in the same year, the aggregate amount exceeds \$100, the identity of the person shall include the purchaser's occupation and principal place of business. See 2 U.S.C. §432(c). With respect to your reporting requirement, you are required to report the total amount of proceeds from the sale of tickets to the concert (2 U.S.C. §434(b)(6)) and the full name and mailing address (occupation and the principal place of business, if any) of each person who has made contributions, including ticket purchases of more than \$100 within the calendar year. For example, if a person within a calendar year has made a contribution to your committee of \$40 on one occasion, \$35 on another, and purchases \$30 worth of concert tickets, the total contributed exceeds \$100 and therefore the itemized reporting requirements are triggered.

These recordkeeping and reporting requirements supersede and preempt any provisions of State law with respect to election financing. See 2 U.S.C. §453. As for any other information that may be of interest to you with regard to concert activity, you may want to refer to the Internal Revenue Service Revenue Ruling 72-412. Of course, any questions concerning IRS matters should be directed to that agency.

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. 2 U.S.C. §437f.

Sincerely yours,

(signed)

Vernon W. Thomson

Chairman for the

Federal Election Commission