



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 27, 1976

Re: AOR 1976-76

Thomas B. Wilson, Esq.
Suisman, Shapiro,
Wool & Brennan, P.C.
1028 Poquonnock Road
Groton, Connecticut 06340

Dear Mr. Wilson:

This is in response to your letter dated August 25, 1976, requesting an advisory opinion on behalf of the Chris Dodd/Congress '76 Committee, a political committee registered pursuant to provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

You ask whether a candidate who incurs expenses for such things as travel, pays for them out of personal funds, and is later reimbursed from the principal campaign committee, must report the expenditures and subsequent reimbursement on the candidate's individual report.

2 U.S.C. §434(a)(1) states in pertinent part:

"(1). . . [E]ach treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it." [Emphasis added]

The Act requires the candidate to report an expenditure of personal funds for such things as campaign-related travel expenses and the reimbursement from his or her principal campaign committee. However, 2 U.S.C. §436(b) allows the Commission by a rule of general applicability to exempt Federal candidates from the duty to file individual candidate reports under 2 U.S.C. §434.

Section 101.3 of the Commission's proposed regulations, submitted to the Congress on August 3, 1976 and published in the Federal Register on August 25, 1976 (41 FR 34938) states:

§101.3 Waiver of candidate reporting.

A candidate is relieved of the duty personally to file reports and keep records of receipts and expenditures if this candidate states on FEC Form 2 or in a letter that-

(a) Within 5 days after personally receiving a contribution, the candidate will surrender possession of the entire contribution to the treasurer of his or her principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's personal funds or accounts. Contributions conveyed by check, money order, or other written instrument shall be cashed or redeemed by the candidate.

(b) The candidate shall not make any unreimbursed expenditures for his or her campaign, except that this paragraph does not preclude a candidate from making an expenditure from personal funds to the candidate's designated principal campaign committee which shall be reported by the committee as a contribution received.

(c) The waiver shall continue in effect as long as the candidate complies with the conditions under which it was granted.

Until the candidate submits a request for waiver of reporting pursuant to §101.3 of the proposed regulations he or she will have to continue reporting personal expenditures and reimbursements on the candidate report. However, the Commission will not require that the described transactions be reported on the candidate's reports if the conditions for receiving the waiver as specified in §101.3 are satisfied.

The candidate report forms must continue to be filed until the proposed regulations are issued in final form by the Commission even though the form reflects no receipts or disbursements. 2 U.S.C. §436(b). The candidate's committee would, of course, report the reimbursement as an expenditure, with a particular description of its purpose. 2 U.S.C. §434(b)(9); Part 104 of the proposed regulations.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which were submitted to Congress on August 3, 1976. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c).

Sincerely yours,

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

Enclosure