



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1976

Re: AOR 1976-89

Honorable Ronald Bo Ginn
House of Representatives
Washington, D.C. 20515

Dear Mr. Ginn:

This is in response to your letter dated September 15, 1976, in which you request the Commission's opinion on the applicability of the Federal Election Campaign Act of 1971, as amended, to an organization, known as the First Congressional District Forum ("the Forum"), which you plan to establish in your congressional district.

The organization is described in some detail in the brochure enclosed with your letter. In brief, the Forum will be initiated for the purpose of bringing "Washington home to the citizens of the 20 counties of the First Congressional District of Georgia." Membership in the Forum will be open to all citizens, organizations, and businesses of the First Congressional District. Complimentary membership will be extended to representatives of the news media in your district. It will meet on a quarterly basis and rotate among the three largest cities in the congressional district. Annual membership dues will be \$30 for family membership and \$15 per individual. Senior citizens will be admitted to membership for half price. Corporations and other organizations are encouraged to purchase memberships for their employees and members. None of the funds secured through membership dues will be used for the personal benefit of yourself, your family or your staff. The funds will be used solely for Forum-related activities and will serve to defray the expenses of the Forum such as printing, postage, rental of meeting space, and refreshments as well as to provide transportation to and from Forum meetings for the special guests of the Forum, yourself, and members of your staff. An executive director will be employed by the Forum to supervise its affairs and a financial report will be available at all times for inspection by Forum members and members of the news media. You have also indicated in a subsequent telephone conversation that the organization will not be established until after the November 1976 general election.

It would appear that the activities of the Forum constitute activities in support of yourself as a Federal officeholder. Under §113.3 of the Commission's proposed

regulations, all funds donated for such purposes must be deposited into either an account maintained by your principal campaign or other authorized committee or an office account, and should then be reported pursuant to the statutory and regulatory provisions which cover those accounts. See Parts 103 and 104 and §113.4 of the proposed regulations.* And, of course, anytime expenditures for the Forum are made for the purpose of influencing a Federal election, then the limitations of 2 U.S.C. §441a and Part 110 of the proposed regulations would apply. See in particular §113.5 of the proposed regulations, which notes the effect resulting from the presence of corporate or union funds in an office account.

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. These proposed regulations were formally adopted by the Commission and serve as interpretative rules of the Commission as to the meaning of the pertinent statutory language. The proposed rules were transmitted to the Congress on August 3, 1976. See 2 U.S.C. §438(c). For your information I enclose a copy of a recent Commission policy statement regarding those rules.

Sincerely yours,

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

Enclosure [10/5/76 policy statement]

* Under 2 U.S.C. §438(c), before the Commission may prescribe a regulation, it must be submitted to Congress and not be disapproved by either the House or the Senate for thirty legislative days from the date of submission. The regulations were submitted to the Congress on August 3, 1976. When Congress adjourned on Friday, October 1, 1976, only twenty-eight legislative days had passed since August 3. The regulations may not, therefore, be prescribed and the Commission has taken the position, at least, with respect to the reporting of office accounts, that no report need be filed in 1976. As to the Commission's position with respect to the proposed regulations generally, see the enclosed Commission release.