



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 15, 1976

AO 1976-90

Honorable William J. Randall
House of Representatives
Washington, D.C. 20515

Dear Mr. Randall:

This is in response to your letter of September 25, 1976, requesting an advisory opinion regarding the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the usage of excess campaign funds.

You state that you are not a candidate for re-election and your principal campaign committee retains approximately \$5,000 in unexpended funds. Your inquiry is whether a part of these excess funds may be used for two specific purposes: (1) to pay for your wife's travel expenses incurred while accompanying you on congressional business and (2) to compensate the treasurer of your political committee for his past clerical work.

As you are aware, 2 U.S.C. §439a provides that amounts received by a Federal candidate as campaign contributions may be used to support his activities as a Federal officeholder, may be contributed to charitable organizations, "or may be used for any other lawful purpose." Assuming that there is no relevant Missouri law to the contrary, both expenditures you propose are for lawful purposes and therefore allowable under this section of the Act. The disbursements should, of course, be fully disclosed in any quarterly or annual reports subsequently filed by the committee (see 2 U.S.C. §434) or in the committee's notice of termination and final report (see §102.4 of the Commission's interpretative rules, copy enclosed).*

* We note that the Randall for Congress Committee on their Statement of Organization the event of dissolution would be "turned over to Congressman Randall, for his use for campaign expenses not paid by this committee."

The legislative history of 2 U.S.C. §439a makes it clear that this section does not affect any House or Senate rules limiting the use of funds received as campaign contributions. S. Rep. No. 1237, 93d Cong., 2d Sess. 98 (1974). In particular, we direct your attention to clause 6 of House Rule 43, the Code of Official Conduct.

Finally, we emphasize that the proposed uses of the campaign funds may have income tax consequences which are in the purview of the Internal Revenue Service rather than the Commission.

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 (8/25/1976 fr reprint)