



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 22, 1977

AO 1977-1

Mr. P. Robert Matthews
Finance Chairman
Lent for Congress Committee
P.O. Box 36
Baldwin, New York 11510

Dear Mr. Matthews:

This is in response to your letter of January 3, 1977, in which you requested an advisory opinion concerning the treatment of an expenditure made under the Federal Election campaign Act of 1971, as amended ("the Act"). Specifically, you state that the Lent for Congress Committee ("the Committee") purchased during the 1976 election campaign a used automobile to provide campaign related transportation to Congressman Lent and his campaign staff.

You first ask "[m]ay the Committee retain this automobile for use by the Congressman and/or members of his staff in the discharge of official duties?" The use which you describe is legally permissible since the Act does not impose any restrictions on the post-election use of property purchased by a campaign expenditure. Rather, such property may be treated like surplus campaign funds which, pursuant to 2 U.S.C. 439a

may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, . . . *

Secondly, you ask "[m]ay the Committee expend its funds for license fees, insurance, maintenance, operation and repair costs of such vehicle?" An expenditure is defined in 2 U.S.C. 431(f) to include any payment made for the purpose of influencing the nomination for election or election of a person to Federal office. The Act does not limit the discretion of campaign committees to make their own determination as to the types of expenditures which should be made. See Advisory Opinion 1976-116 (copy enclosed). Thus, payments for the license fees, insurance fees, insurance, maintenance, operation, and repair costs of the automobile should be regarded as expenditures and reported pursuant to 2 U.S.C. 434 and Part 104 of the

* See Advisory Opinion 1976-64 (copy enclosed); see also 120 Cong. Rec. H 10335 (daily ed., October 10, 1974), which specifically refers to the purchase of an automobile with campaign funds for use in the Member's congressional district.

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Commission's proposed regulations. The proposed regulations were originally transmitted to the Congress on August 3, 1976, and were resubmitted on January 11, 1977. (A copy is enclosed.)

The Commission expresses no opinion as to the Federal tax ramifications of the described transaction since these issues are within the jurisdiction of the Internal Revenue Service. See, for example, 26 U.S.C. 527.

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

Enclosures