



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 24, 1978

AO 1977-54

Mr. L. H. Carter, Jr.  
Treasurer  
Gingrich Campaign Committee  
Post Office Box 999  
Carrollton, Georgia 30117

Dear Mr. Carter:

This refers to your letter of October 12, 1977, in which you request an advisory opinion on behalf of the Gingrich Campaign Committee concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act") to a statewide bipartisan drive opposing ratification of the Panama Canal Treaty.

Your original request, as supplemented by a letter of January 6 (in reply to a letter from our legal staff dated November 22) explains that Mr. Newt Gingrich, a Republican candidate for the Sixth Congressional District of Georgia, is the Chairman of a statewide petition drive in Georgia to stop ratification of the Panama Canal Treaty. You state that the State Republican Party initiated the drive and that Mr. Gingrich's name is on all mailings, in newsletters, and in news stories and advertisements. You further state that Mr. Gingrich has worked to minimize his petition efforts in his own Congressional District and has deliberately focused on efforts outside the Sixth District. You explain that the petition drive will be funded by public contributions from both individuals and corporations. Funds for the petition drive, according to your letter, would be separated from any campaign funds of Mr. Gingrich, and would under no circumstances be commingled. You ask three-questions:

1. Is Mr. Gingrich's involvement in this state-wide drive to be considered a part of his campaign effort (for purposes of FEC reporting)?
2. If this is considered a campaign effort, we will assume that contributions to this drive will be allocated in some way to the candidate. How will these be allocated?
3. How will corporate contributions to the drive be allocated to the candidate since these are illegal for normal campaign efforts?

It is the opinion of the Commission that expenses of the petition drive for activity such as newsletters, mass mailings, newspaper, radio and television advertisements, public appearances which identify Mr. Gingrich by name as chairman of the petition drive (or otherwise involve his personal appearance on behalf of the petition drive) would not be considered as contributions to or expenditures by Mr. Gingrich's campaign. However, the Commission assumes that such activity (i) will not occur in circumstances involving the solicitation, making or acceptance of campaign contributions for Mr. Gingrich's campaign committee, and (ii) will not include any communication expressly advocating his nomination or election to Federal office. The Commission views the described petition drive activity, subject to the stated assumptions, as coming within the exception of 2 U.S.C. 431(f)(4)(F) to the definition of "expenditure."

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)  
Joan D. Aikens  
Vice Chairman for the  
Federal Election Commission