



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 10, 1978

AO 1977-64

Margaret Costanza
c/o The Plaza
800 25th Street, Apt 703
Washington, D.C. 20037

Dear Ms. Costanza:

This responds to your letter of November 15, 1977, requesting an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, to distribution of the balance of funds held by the Costanza for Congress Finance Committee.

According to your letter, you plan to terminate and dissolve the Committee and distribute the remaining funds to the American Cancer Society and Camp Haccamo in Rochester, New York. You ask the Commission to confirm the appropriateness of distributing the funds in question to these charities.

Section 439a of Title 2, United States Code, provides that amounts received by a Federal candidate as campaign contributions which are in excess of any amount necessary to defray campaign expenditures may, among other things, be given to any organization described in section 170(c) of Title 26 of the U.S. Code. Section 113.2 of the Commission's regulations further explains various uses which may be made of excess campaign funds. Thus, it is clear that distribution of the excess campaign funds to the described organizations is expressly made lawful by 2 U.S.C. 439a if they are qualified charities under 26 U.S.C. 170(c). Although the Commission may not express an opinion as to the charitable status of the described organizations, we have informally been advised that records of the Internal Revenue Service list them as charitable organizations.

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