



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 21, 1978

AO 1978-3

Honorable Gillespie V. Montgomery
U. S. House of Representatives
Washington, D.C. 20515

Dear Mr. Montgomery:

This refers to your letter of January 23, 1978 requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a proposed reimbursement to you by your principal campaign committee for your purchase of Christmas gifts in 1977.

Your letter explains that last fall you spent \$504 to purchase 72 Christmas gifts which you gave to individuals and firms, including media representatives, with whom you have worked closely in carrying out your responsibilities as Representative of the Third Congressional District of Mississippi. You believe that the cost of these items represents a legitimate campaign expenditure and state that no advocacy of your election or solicitation of funds accompanied the gifts. You request an opinion as to whether your principal campaign committee may not reimburse you for the amount (\$504) which you paid to purchase the gifts.

The Commission has stated in past advisory opinions that candidates and their principal campaign committees have broad discretion under the Act in deciding which expenditures will best serve their candidacies. See Advisory Opinions 1977-11 and 1977-60, copies enclosed. Accordingly, the Commission concludes that the cost of the Christmas gifts may be regarded as an expenditure of your committee and may be reimbursed to you.

The payment to you from your committee should be reported by the committee as an expenditure to the person or business from whom you purchased the Christmas gifts. This disclosure is required by 2 U.S.C. 434(b)(9) and the Commission's regulations at 11 CFR 104.2(b)(9). Those sections state that when an expenditure exceeding \$100 is made by or on behalf of a political committee or candidate the name and address of the person to whom the expenditure is made as well as the amount, date, and particulars of the expenditure must be reported. Your committee should note on its reports, however, that actual disbursement was made to you personally as reimbursement for an expense you paid on behalf of the committee. You would also need to provide your committee with a receipted bill from the vendor or, if a

receipted bill is not available, your cancelled check showing payment of the bill plus the bill, invoice or contemporaneous memorandum of the transaction supplied by the person who sold you the gifts. See 2 U.S.C. 432(d) and 11 CFR 102.9(c).

The Commission may express no opinion on the possible application of Rules of the House of Representatives to the proposed reimbursement since they are outside the Commission's jurisdiction.

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

Sincerely yours,

(signed)
Joan D. Aikens
Vice Chairman

Enclosures