



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 10, 1978

AO 1978-5

Herbert Creech
Creech for Congress Committee
359 Telford Avenue
Dayton, Ohio 45419

Dear Mr. Creech:

This refers to your request for an advisory opinion under 2 U.S.C. 437f concerning application of the Federal Election Campaign Act of 1971, as amended (the "Act") to the use of campaign contributions for ordinary and necessary (personal) living expenses during a campaign. Your request for reporting forms and a copy of the Act and regulations has been answered under separate cover.

Your letter states that you are a candidate for election to the United States House of Representatives and, in a telephone conversation with a member of our legal staff, you stated that your request concerns plans to expend campaign funds for your ordinary living expenses while a candidate.

The Act defines expenditure in 2 U.S.C. 431(f) as "a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination . . ." or election of any person to Federal office . . ." The Commission has held in several past advisory opinions that candidates and their principal campaign committee have wide discretion under the Act in deciding which expenditures will best serve their candidacies. See Advisory Opinions 1978-3, 1978-2, and 1977-11, copies enclosed. More specifically, with respect to the issue posed in your request the Commission concluded in Advisory Opinion 1976-17 that campaign funds of a vice presidential candidate could be spent to defray living expenses incurred while she was engaged in campaign activity. Advisory Opinion 1976-17; see also the Commission's response to Advisory Opinion Request 1976-84, copies enclosed. Thus payments for your personal living expenses would be permissible expenditures under the Act although subject to disclosure pursuant to 2 U.S.C. 434 and 104.2 of the Commission's regulations.

The Commission expresses no opinion as to the tax ramifications of the described expenditures since those issues are within the jurisdiction of the Internal Revenue Service.

This response constitutes an advisory opinion concerning 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)

Thomas E. Harris
Chairman for the
Federal Election Commission

Enclosures