



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

January 12, 1979

AO 1978-100

Jonathan L. Goldstein  
Hellring, Lindeman, Goldstein & Siegal  
1180 Raymond Blvd.  
Newark, New Jersey 07102

Dear Mr. Goldstein:

This responds to your letter of December 6, 1978, requesting an advisory opinion as counsel to the Committee to Reelect Senator Case ("Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") to the disposition of excess campaign funds by the Committee.

According to your letter, the Committee has been advised that Rutgers University intends to honor Senator Case by establishing a professorship of public affairs in his name. Rutgers has requested the Committee to contribute the surplus funds in the Committee account to Rutgers in order to assist in establishing this professorship. You request an opinion as to whether the Committee can contribute approximately \$50,000 in surplus funds from Senator Case's primary campaign to Rutgers University.

2 U.S.C. 439a provides that amounts received by a candidate for Federal office which are in excess of any amount necessary to defray campaign expenditures may, among other things, be contributed to any organization described in 26 U.S.C. 170(c). See also 11 CFR 113.2(b). The Internal Revenue Service has unofficially informed the General Counsel's office that Rutgers University is a qualified charitable organization under 26 U.S.C. 170(c). Therefore the Commission concludes that the proposed contribution of surplus campaign funds to Rutgers by the Committee to Reelect Senator Case is lawful under 2 U.S.C. 439a.

The Commission expresses no opinion regarding applicability of Senate Rules in the situation you have described, nor may it express any opinion regarding possible tax ramifications since those issues are not within its jurisdiction.

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  
Chairman for the  
Federal Election Commission