



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 7, 1978

AO 1978-43

Robert M. Alcock  
Administrative Assistant  
Congresswoman Barbara Jordan  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Alcock:

This refers to your letter, of July 6, 1978 in which you request an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the disposition of surplus funds from previous campaigns.

Your letter states that:

"[A] member of Congress does not seek re-election and the term of office subsequently expires. Upon leaving office surplus monies remain in (a) fund(s) from previous campaigns."

You ask whether these surplus funds may be expended to employ staff and pay the incidental expenses to assist the former member in the performance of duties which are imposed by virtue of having been a member of Congress.

The Act and the Commission's regulations permit surplus campaign funds to be used by an individual or candidate to defray ordinary and necessary expenses incurred in connection with duties of a Federal office, to be contributed to qualified charitable organizations, or to be used for "any other lawful purpose." 2 U.S.C. 439a. See also 11 CFR 113.2. The types of expenditures suggested by your request, therefore, would be permissible under the Act.

The Commission expresses no opinion regarding applicability of the Rules of the House of Representatives in the situation you have described, nor may it express any opinion regarding possible Federal income tax consequences 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