



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 20, 1978

AO 1978-77

Honorable Les Aspin
United States House of Representatives
439 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Aspin:

This responds to your letter of September 22, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the volunteer services of a corporate employee.

Your letter states that an officer of American Motors Corporation (AMC) "is interested in and willing to make a tape recording for use as a campaign radio commercial in which he would describe my efforts to help . . . [AMC] seek Federal loan guarantees and keep jobs in the Kenosha area." You further state "he would be speaking voluntarily as an individual, but would be identified by name and title as an AMC official." You assure us that no corporate or personal funds would be involved, as your campaign committee would pay for the radio time and the production costs of the campaign advertisement. In addition, you state that the only involvement of the corporate official would be "the several minutes taken up by speaking into a tape recorder."

Since the campaign committee will pay for all costs of producing and broadcasting the advertisement, a contribution to your campaign committee would not occur in these circumstances. The fact that several minutes are required for the corporate official to make the recording and that he will be identified as an officer of AMC do not mean that a contribution of "anything of value" has been made to your campaign. Under 2 U.S.C. 431(e)(5)(A) the term "contribution" does not include "the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee." See also 100.4(a)(5) of Commission regulations.

In regard to the "obvious sub-issue . . . [of] whether a corporate entity could endorse a candidate for Federal office, say by vote of the board," the Commission may not properly issue an advisory opinion since the question is hypothetical and not presented as a specific factual situation. 2 U.S.C. 437f, see also 11 CFR 112.1. You may wish to review various portions of the

Act and Commission regulations on this issue: 2 U.S.C. 441b(b)(2)(A), 2 U.S.C. 431(f)(4)(C), and Commission regulations at 11 CFR 100.7(b)(5) and 114.5(i).

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