



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 2, 1978

AO 1978-85

Mr. John W. Kerr, Jr.  
Goodman & Company  
500 Plume Street East  
P.O. Box 3297  
Norfolk, Virginia 23514

Dear Mr. Kerr:

This is in response to your letter of October 30, 1978, requesting an advisory opinion on behalf of the Whitehurst for Congress Committee ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to certain proposed expenditures by the Committee.

You state that, in celebration of G. William Whitehurst's 10th year swearing in as a Congressman from Virginia, campaign committee members, their spouses, and certain other individuals are planning a buffet luncheon on January 15, 1979, and that the Committee proposes to expend campaign monies left over from Mr. Whitehurst's 1978 election campaign to defray the costs of this event. You ask whether this use of excess campaign funds is permissible under the Act.

The Act and Commission regulations permit excess campaign funds to be used by a candidate or individual holding Federal office: (i) to defray any ordinary and necessary expenses incurred in connection with duties as a Federal officeholder, (ii) to make donations to qualified charitable organizations, or (iii) for "any other lawful purpose." 2 U.S.C. 439a and 11 CFR 113.2. Since the described event relates to Mr. Whitehurst's service as a Member of Congress, the Commission concludes that the use of excess campaign funds to defray expenses of the event would be permissible under the Act. Payments made by the Committee for the described expenses would be reportable disbursements under the Act and Commission regulations. 2 U.S.C. 434(b), 11 CFR 104.2(b).

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