



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 2, 1978

AO 1978-87

Honorable James B. Pearson
United States Senate
Washington, D.C. 20510

Dear Senator Pearson:

This responds to your letter of November 1, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the disposition of unexpended campaign funds by your campaign committee.

According to your letter, you did not seek re-election and your campaign committee intends to transfer \$100,000 in excess campaign funds to the University of Kansas Center for Research, Inc., for the purpose of establishing a fellowship program in your name to assist deserving college graduates pursue a course of study abroad. You further state that the recipient organization is a non-profit, Kansas corporation organized and operated to promote scientific and educational development and is exempt from tax under sections 501(c)(3) and 509(a)(1) of the Internal Revenue Code. You seek confirmation of your understanding that such a transfer would be permissible under the Act.

Section 439a of Title 2, United States Code, 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)). You have indicated in your letter, and the Internal Revenue Service has informally confirmed, that the University of Kansas Center for Research, Inc., is a qualified charitable organization under 26 U.S.C. 170(c). Therefore, the Commission concludes that your campaign committee's proposed disposition of the excess campaign funds 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 in 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