



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 27, 1979

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-10

Mr. James Feltham
Administrative Assistant to Cong. Rhodes
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Feltham:

This responds to your letter of March 19, 1979, requesting an advisory opinion on behalf of Mr. Rhodes regarding the applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the appearance of a "union bug" on a candidate's stationery or brochures. (The "union bug" indicates that the printing of material on which it appears was done in a unionized print shop.)

Specifically, you raise the issue of a "union bug that appears on a candidate's brochure or stationery" and whether "the bug violates 2 U.S.C. 431(f)(4) relating to reporting expenditures for commentary in periodic publications under the candidate's control." Stated another way, you ask whether the appearance of the "union bug" on candidate materials gives rise to an expenditure which, in turn, must be reported under the Act.

Implicit in a discussion of candidate brochures or stationery is the presumption that such brochure or stationery is campaign related; that is, it is used by the candidate or on the candidate's behalf in conjunction with a campaign related their cost would be payments made for the purpose of influencing the nomination or election of a person to Federal office and would constitute expenditures as defined in 2 U.S.C. 431(f). As "expenditures," the payments are required to be reported under 434(b). Payments for these candidate brochures or stationery would be reportable expenditures regardless of whether a "union bug" appeared on them.

The Commission notes that this opinion addresses candidate campaign materials only and concludes that costs for printing campaign brochures or stationery are reportable expenditures regardless of the appearance or absence of a "union bug." The appearance of a "union bug" on such materials does not bring the expenditure within the purview of 2 U.S.C. 431(f)(4)(A).

Furthermore, to the extent your question may concern the appearance of the "union bug" on printed materials mailable by Mr. Rhodes under the franking privilege, no issue is presented as to application of the Act and Commission regulations. See 39 U.S.C. 3210.

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