



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 19, 1979

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-25

The Honorable Les Aspin
U.S. House of Representatives
442 Cannon Building
Washington, D.C. 20515

Dear Congressman Aspin:

This is in response to your letter of May 15, 1979 in which you request an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the payment by a labor organization of expenses incurred by teacher interns assisting in your mobile office.

Your letter states that from June 18 to September 6, 1979 you will be leasing a mobile office which will be used exclusively in your congressional district and only for the discharge of your official duties. According to your letter the office will make scheduled appearances where it will be open to the public to request your assistance, obtain Federal publications, and meet Federal personnel from various agencies, as well as obtain certain health tests.

According to your letter, teacher interns will assist constituents who visit the mobile office. These interns will be selected by a teacher's union, the Wisconsin Education Association Council, on the basis of who can benefit from the educational experiences connected with the mobile office. Specifically, the interns will learn directly how a congressional office functions and discover the types of problems constituents bring to their congressman. You further state that none of the teacher interns will in any way, directly or indirectly, participate in any political activity associated with your re-election.

The Wisconsin Education Association Council is interested in paying the expenses of the teacher interns. Specifically, you ask whether, although the Council does not intend the payment of expenses to be used for your re-election, the payment of those expenses by the Council constitutes a contribution to you as a candidate?

You explain in your letter that none of the teacher interns will in any way, directly or indirectly, participate in any political activity associated with your re-election. It appears that the activities are not political electioneering, but rather in the nature of constituent services. Thus, the Commission concludes that the payment of the intern expenses are neither contributions made "for the purpose of influencing an election," nor "in connection with an election" for purposes of 2 U.S.C. 431(e) and 441b.

However, as you state that the mobile office will be used to discharge your official duties, payment of the expenses incurred incident to the intern activities in that office, would be "funds donated" for purposes of 2 U.S.C. 439a and 11 CFR 113.1 et seq. "Funds donated" specifically includes "advances, credits, or deposits of money which are donated for the purpose of supporting the activities of a Federal...officeholder." 11 CFR 113.1(a). This language covers the circumstances where the Council makes payments to teacher interns in order that they may volunteer services to you as an officeholder.

The Commission has previously held that payments made on behalf of a Federal officeholder for the purpose of supporting his activities as such must be reported as receipts and corresponding disbursements by that officeholder. See Advisory Opinion 1977-50 (copy enclosed). Hence each Council payment to an intern would constitute a reportable receipt of "funds donated" to you by the Council with a corresponding reportable disbursement by you to the intern. Commission regulations at 11 CFR 113.4 set forth the reporting requirements.

The Commission notes the possible application of House Rules to the facts related in your request but does not express any opinion as to those issues since those Rules 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)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosure