



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 20, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-21

James V. Stanton  
Ragan & Mason  
900 17th Street, N.W.  
Washington, D.C. 20006

Dear Mr. Stanton:

This responds to your letter of February 28, 1980 and your supplemental letter dated March 12, 1980, requesting an advisory opinion on behalf of the New York Yankee Baseball Club concerning application of the Federal Election Campaign Act of 1971, as amended, ("the Act") and Commission regulations to the Club's proposal to donate tickets to the Host Committee of the National Democratic Convention.

Your letter states that the New York Yankee Baseball Club recently received a request from the Host Committee of the National Democratic Convention, which will be held in New York City in August of this year, for a contribution of 500 to 1000 tickets. The tickets are for the Baltimore Orioles-New York Yankees game to be played on Saturday, August 9, 1980, and would be made available to the delegates by the Host Committee.

You state that it is a practice of the Yankee Club to donate tickets to various non-profit organizations to promote goodwill for the Yankee ball club and also to promote the commerce of the City of New York. Further, you state that tickets which the Yankees propose to donate to the host committee are not refundable in any form, that they are given "for the express purpose of aiding the convention program," and that they will be distributed by the host committee to delegates free of charge.

You ask specifically whether such a donation of tickets to the host committee would be permissible under the Commission's regulations governing financing of national nominating conventions.

The Commission concludes that the New York Yankee Baseball Club may contribute such tickets to the convention host committee for distribution to delegates without charge under the provisions of 11 CFR 9008.7(d)(2). That section provides that local businesses, excluding banks, may donate funds or make in-kind contributions to a host committee for the purpose of promoting the convention city or its commerce. More specifically, subsection (d)(2)(iii)(B) allows the host committee to use funds donated to it for welcoming convention attendees to the city through such means as providing receptions or tours of the city. The gift of these tickets to the host committee for free distribution to the delegates will assist the host committee in welcoming convention delegates to New York. Accordingly, the tickets donated by the Yankee organization would constitute a permissible in-kind contribution to the convention host committee under the Commission's convention financing regulations.

Contributions made under 11 CFR 9008.7(d)(2) are not considered convention expenditures by the host committee and do not count against the national party's expenditure limitation under 11 CFR 9008.7(a). See 11 CFR 9008.7(d)(4). Nor would donation of the tickets be viewed as a prohibited corporate contribution in connection with a Federal election. 11 CFR 114.1(a)(2)(viii), as amended at 44 Fed. Reg. 63045 (Nov. 1, 1979).

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan  
Chairman for the  
Federal election Commissions