



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-29

The Honorable Norman D. Shumway
United States House of Representatives
1228 Longworth House of Office Building
Washington, D.C. 20515

Dear Congressman Shumway:

This responds to your letter of March 24, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the use of campaign funds to defray the costs of your participation in the 1980 National Republican Nominating Convention.

According to your letter you are considering participating in the convention as an alternate delegate or as a delegate. You ask if it would be appropriate to use your own campaign funds to defray the costs of participating in the nominating convention, specifically the costs of transportation, hotel, and meals.

The Act places no specific restrictions upon the use of campaign funds while a committee functions pursuant to formal authorization by a candidate for Federal office. 2 U.S.C. 432(e). Therefore, the Commission has stated in several advisory opinions* that candidates and their respective principal campaign committees have wide discretion under the Act as to how campaign funds may be spent. The Commission thus concludes that so far as the Federal Election Campaign Act is concerned, the costs to be incurred by your participation in the convention may be defrayed from your campaign funds.

If your campaign funds are used to defray the described expenses, your campaign committee will have to report the payment of those costs. If the purpose of the described outlay of campaign funds is to influence your election, it is a committee "expenditure" and reportable as such. 2 U.S.C. 431(9), 434(b)(4) and 11 CFR 104.3(b)(4)(i), as recently amended at 45 Fed. Reg.

* Advisory Opinions 1978-5, 1978-2, 1977-1, 1976-64

15111 (March 7, 1980), effective April 1, 1980. If the outlay of funds is other than for the purpose of influencing your election, it must still be reported by your campaign committee as a disbursement. 11 CFR 104.3(b)(4)(vi), as amended id.

The Commission expresses no opinion as to possible application of the House rules to the described transactions nor as to any tax ramifications, since those issues are outside the Commission's jurisdiction.

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 Commission

Enclosures (AOs 1978-5, 1978-2, 1977-1 and 1976-64)