



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-41

Mr. Vincent V. Chaney
Treasurer
Slack for Congress Committee
P.O. Box 2031
Charleston, West Virginia 25327

Dear Mr. Chaney:

This responds to your letter of April 9, 1980, requesting an advisory opinion on behalf of the Slack for Congress Committee, the sole campaign committee of the late Congressman John M. Slack, Jr., concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the proper disposition of campaign funds and assets remaining under your control as treasurer of the Committee.

Your letter indicates that at the time of his death, Mr. Slack had filed as a candidate for the West Virginia primary of June 3, 1980. Thus, the Committee "now holds a substantial sum of money and other assets purchased with money which had been contributed for the support of his candidacy." You mention that the Committee has control over a bank account, a certificate of deposit and a pickup truck registered in the Committee's name.

You ask specifically whether the Committee may transfer part or all assets under its control to Mr. Slack's widow and/or his son, or members of his office staff. Further, you ask what other disposition may be made of such campaign assets.

The Commission is of the opinion that the Committee may transfer all or any part of the remaining campaign funds and assets to Mr. Slack's widow, his son or members of his office staff. The Act provides that excess campaign funds may be used for a variety of specific purposes that are expressly made lawful: the funds may be contributed to any organization which is exempt from Federal taxation under 26 U.S.C. 501(c)(3); they may be contributed without limitation to any national, state, or local committee of a political party; or they may be used for

"any other lawful purpose." Such funds may not, however, be converted by any person to any personal use if the candidate were not a Member of Congress on January 8, 1980. 2 U.S.C. 439a; 11 CFR 113.2.

Since Mr. Slack was a Member of Congress on January 8, 1980, the only prohibition applicable is the prohibition on the use of campaign funds for an unlawful purpose. Thus, assuming that West Virginia state law does not make the proposed transfer unlawful, (see Advisory Opinion 1978-94, copy enclosed), the Committee may transfer the total proceeds of the bank account, the certificate of deposit and ownership of the pickup truck, or any part thereof, to Mr. Slack's widow, his son or members of his office staff.

The Commission expresses no opinion regarding possible application of House rules to the described transaction, 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

Enclosure