



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 11, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-45

Ms. Laurie R. Rockett
Greenbaum, Wolff & Ernst
437 Madison Avenue
New York, New York 10022

Dear Ms. Rockett:

This responds to your letter of April 14, 1980, on behalf of Planned Parenthood of New York City, Inc. ("PPNYC"), requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to nonpartisan voter registration activities by PPNYC.

Your letter states that PPNYC is incorporated under the Not-for-Profit Corporation Law of the State of New York and is exempt from taxation under 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)). PPNYC proposes to provide space in its family planning clinics for volunteers to register individuals, primarily patients and their family members, who come to the clinic. Such voter registration activities would be conducted on a voluntary and nonpartisan basis. Any individual who wished to take advantage of the opportunity to register could do so. No inquiry would be made as to the person's political party affiliation or position regarding any individual candidate or group of candidates. Under these circumstances, you ask whether such voter registration activity is permissible under the Act and Commission regulations.

A corporation is permitted to engage in nonpartisan registration and get-out-the-vote drives or campaigns which are not restricted to its stockholders and executive or administrative personnel so long as such drives are sponsored jointly with a civic or other nonprofit organization that does not support or endorse candidates or political parties, and if such activity is conducted by the other organization. 11 CFR 114.4(d). Commission regulations, however, do not directly address the situation presented here, where a non-profit, nonpartisan organization undertakes the voter registration drive by itself without a corporate sponsor. Since the regulation

is an exception to 2 U.S.C. 441b which broadly prohibits corporations and labor organizations from making any contribution or expenditure in connection with a Federal election, 114.4(d) is viewed as a limitation on the corporation by requiring that it conduct any voter registration drives directed to the public jointly with a nonprofit, nonpartisan civic organization. The regulation does not restrict the nonprofit, nonpartisan civic group by requiring it to find a corporate sponsor for voter registration drives that the nonpartisan group wishes to conduct in a manner otherwise proper under the regulation. Accordingly, the Commission concludes that the described voter registration drive which PPNYC proposes to undertake would not be prohibited under the Act and Commission regulations.

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)

Max L. Friedersdorf
Chairman for the
Federal Election Commission

P.S. Commissioner Tiernan voted against approval of this opinion and will file a dissenting opinion at a later date.