



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-88

Harry S. Davis, Treasurer
Citizens for Election of Harry Davis as President
515 Murray Street
Avenel, New Jersey 07001

Dear Mr. Davis:

This responds to your letter received on July 23, 1980, requesting an advisory opinion on behalf of the Citizens for election of Harry Davis as President Committee ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to contributions of personal services.

According to your letter an individual has offered to keep the books of the Committee. You state that ordinarily this individual would earn \$12.80 an hour for his services, but that this individual wishes to donate his time and services to the Committee. Based on these facts it appears that your request raises the following questions:

1. May a person who keeps the books of the Committee, and who is donating such time to the Committee, do so without the donation becoming a reportable contribution?
2. Would the performance of other similar duties by an individual be considered a contribution to the Committee?
3. Since such services if paid for at the amount he would normally charge, would total in excess of the \$1,000 would a violation occur?

In answer to the first question, the Commission concludes that the specific activity involved in this request may be undertaken without a reporting obligation being incurred by the Committee. 2 U.S.C. 431(8)(A)(i) defines "contribution" as "any gift, subscription, loan,

advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office;" (emphasis added) 11 CFR 100.7(a)(1). However, 2 U.S.C. 431(8)(B)(i) states that the term "contribution" does not include "the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." Therefore, a person's time and services, if donated, without payment or compensation, to or on behalf of a committee will not constitute a "contribution" under the Act.

With respect to question two, the Commission concludes that all personal services when donated to a candidate or political committee without compensation are exempted from the definition of "contribution."¹ The Act makes no distinctions between either the dollar value and/or the type of service an individual may volunteer to a candidate or political committee without the service being considered a contribution.²

In light of the discussion above and in answer to question three, the Commission concludes that no violation would occur since the service in question is donated to the Committee without compensation. As explained above, the activity in question does not fall within the meaning of the term "contribution". Therefore, the actual cost of the service if it were rendered by him to a person other than the committee is of no consequence. Since the specific activity in question does not constitute a contribution, it is not subject to the contribution limitations of 2 U.S.C. 441a.

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 Reiche voted to approve this opinion and will be filing a separate concurring opinion.

¹ The definition of contribution includes compensation paid by one person for the personal services of another which are rendered to a political committee without charge. 2 U.S.C. 431(8)(A)(ii).

² Compensation may be paid for legal or accounting services rendered to a candidate solely for the purpose of insuring compliance with the Act if the person paying the compensation is the regular employer of the individual rendering the services. Compensation paid under the foregoing conditions is not a "contribution" or "expenditure" under the Act; however, the amounts paid are required to be reported by the candidate receiving such services. 2 U.S.C. 431(8)(B)(ix), 431(9)(B)(vii).