



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 11, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-92

William McNally
President, Voter Registration Program
9911 West Pico Blvd., #1000
Los Angeles, California 90035

Dear Mr. McNally:

This responds to your letters dated July 24 and July 31, 1980, requesting an advisory opinion on behalf of the Voter Registration Program concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to nonpartisan voter registration and get-out-the-vote drives conducted by the Voter Registration Program.

You explain that the Voter Registration Program (VRP) is a newly formed incorporated public charity whose sole purpose is to conduct voter registration drives. You have attached certain documents issued by the Internal Revenue Service which indicate that based on information supplied by VRP regarding its proposed operations, the IRS has preliminarily determined that VRP qualifies as exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code.*

VRP will engage in a state-wide voter registration campaign in California coordinated with the Secretary of State. Since college campuses represent a high concentration of eligible, unregistered voters, VRP plans to open offices on one hundred college campuses and run advertisements in college newspapers and radio stations that encourage voter registration. Each campus will have a Campus Coordinator, chosen by VRP officials, who will be responsible for delivering voter registration cards (postage prepaid for return to county election officials) to students manning voter registration desks who, in turn, will distribute them to unregistered voters. Other activities will be planned to involve the student body in VRP's campaign to register

* 501(c)(3) organizations are prohibited by statute from participating in or intervening in any political campaign on behalf of any candidate for public office.

new voters. VRP will also concentrate on registering members of minority groups and factory workers; however, its services will not be restricted to specific classes of individuals. Funds for these and other projects will be raised through advertising in general circulation newspapers. VRP's future plans include a project to obtain voter outreach service contracts to be performed in 1981 and 1982.

You state that VRP is currently raising funds from individuals to finance its operation but that there are several corporations and foundations which are interested in donating funds to VRP's efforts. You ask specifically whether under the described circumstances it would be permissible under the Act for such corporations or foundations to make contributions to VRP.

The Commission concludes that in the situation described, the Act would not prohibit corporations from making contributions to VRP in support of its efforts to conduct nonpartisan voter registration drives. Under the Act, 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 and 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. 2 U.S.C. 441b and 11 CFR 114.4(d). The regulations further provide that "a corporation or labor organization may donate funds to be used for nonpartisan registration and get-out-the-vote drives to civic and other nonprofit organizations which do not endorse candidates or political parties." 11 CFR 114.4(d)(2).

Your request indicates that VRP is a newly formed non-profit corporation which has been given provisional 501(c)(3) tax-exempt status by the Internal Revenue Service under the Internal Revenue Code. The Commission concludes therefore, that if the Voter Registration Program, as a non-profit organization exempt from Federal income taxation under 26 U.S.C. 501(c)(3), has not in the past, does not now, and will not in the future, endorse, support or oppose candidates for political office or political parties, in connection with its efforts to register eligible voters in California, then it qualifies under 11 CFR 114.4(d)(2) as an organization that may engage in the described voter registration and get-out-the-vote drives. Accordingly, corporations, foundations and other entities would not be prohibited by the Act or Commission regulations from donating funds to the Voter Registration Program for use in the drives.

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