



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-93

John R. Sullivan  
Treasurer  
Bozzuto U.S. Senate '80 Committee  
247 Pearl Street  
Hartford, Connecticut 06103

Dear Mr. Sullivan:

This responds to your letter of August 6, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the distribution of a United States penny as a campaign item.

Your letter states that Mr. Bozzuto wishes to distribute as a "personal item" a genuine penny encased in a cardboard or felt casing with an imprinted slogan. In a telephone conversation with a staff member of the Commission's Office of General Counsel on August 19, you further explained that by "personal item" you meant that the candidate himself would distribute the described campaign penny. Under these circumstances, you ask whether such distribution is lawful under the Act.

In Advisory Opinion 1980-14 (see copy enclosed) the Commission considered the question of whether a candidate was permitted to distribute a penny as a campaign item and concluded that nothing in the Act or Commission regulations prohibited use of a penny in that manner. Accordingly, the Commission concludes that so long as all of the expenditures related to the distribution are properly reported pursuant to 2 U.S.C. 434, distribution of the penny under the described circumstances is not prohibited under the Act. The Commission expresses no opinion as to the possible application of other Federal statutes.

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

Enclosures