



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 20, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1981-9

The Honorable Geraldine A. Ferraro
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Ferraro:

This responds to your letter dated January 26, 1981, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a proposed contribution by your principal campaign committee, Ferraro for Congress 1980, ("1980 Committee"), to your 1978 principal campaign committee ("1978 Committee").

Your letter states that the 1980 Committee has a cash on hand balance of \$17,000. Your 1978 Committee, however, has outstanding debts in the amount of \$134,000. You ask for an advisory opinion as to whether the 1980 Committee may contribute \$15,000 of its excess campaign funds to the 1978 Committee which will use the funds to defray part of its outstanding debt.

The Commission takes the view that the 1980 Committee may transfer \$15,000 in excess campaign funds to your 1978 Committee to retire a portion of its outstanding debt. As you know, 2 U.S.C. 439a and the Commission's regulations at 11 CFR 113.2(d) permit the use of excess campaign funds for certain specified purposes and, in addition, for "any other lawful purpose." * Moreover, as discussed in prior advisory opinions, specifically in Advisory Opinions 1980-143 and 1978-37, copies enclosed, Commission regulations do not limit the transfer of funds between a candidate's current principal campaign committee and a previous campaign Committee of the same candidate. 11 CFR 110.3(a)(2)(iv). Thus, the Commission concludes that it would be permissible in the situation you present, for your 1980 Committee to transfer excess campaign funds in the amount of \$15,000 to your 1978 committee to be used to retire a portion of its outstanding campaign debt.

* Although not applicable in your situation, 439a does prohibit conversion of excess campaign funds "by any person to any personal use" if the individual candidate was not a Member of Congress on January 8, 1980.

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)

John Warren McGarry
Chairman for the
Federal Election Commission

Enclosures (AOs 1980-143 and 1978-37)