



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 26, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1981-26

The Honorable Charles E. Bennett
House of Representatives
Washington, D.C. 20515

Dear Congressman Bennett:

This responds to your letter of May 19, 1981, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a party to be hosted on your behalf.

According to your request, a friend of yours would like to host a party for you in the "near future." He will pay all the expenses, and the party is primarily to introduce you to his friends and neighbors in Jacksonville, Florida, which is within your congressional district. You explain that this party is not a fundraiser nor is it "motivated for reelecting" you, but rather is purely a social event given by a friend. This statement the Commission takes to mean that there will be no advocacy of your reelection in connection with the event. You further state that you are not an announced candidate nor do you expect any opposition in the next election. In light of the situation you ask whether or not there is any reporting obligation regarding the costs of the party to your host.

Given the stated facts and the Commission's understanding of them, as well as the most recent report filed by your 1980 campaign committee, the Commission concludes that no reporting obligation is incurred for the costs connected with this party.

You state that you are not an announced candidate for election. Additionally, it appears that you have not filed a statement of candidacy for the 1982 election, nor do you have a campaign committee for the 1982 election registered with the Commission. Reports filed for the Committee to Re-elect Charles E. Bennett ("the Committee") indicate that this Committee was established as your principal campaign committee for the 1980 election. Although the Committee has not terminated, as of the latest report filed January 31, 1981, the financial activity of the Committee relates only to the 1980 election.

In light of this information, under the Act and Commission regulations, specifically 2 U.S.C. 431 and 11 CFR 100.3, you are not now a candidate for any Federal office. Both 2 U.S.C. 431(2) and 11 CFR 100.3(a) establish a \$5,000 threshold of contributions or expenditures to trigger candidate status, although they do not require the making of a public announcement. Moreover, 11 CFR 100.3(b) states that for purposes of determining whether an individual is a candidate, contributions or expenditures shall be aggregated on an election cycle basis. From Committee reports filed as of January 31, 1981, it appears that neither contributions nor expenditures related to any Federal election other than the 1980 election have occurred. Thus, since the information shown on your January 31 report does not indicate that you are a candidate for a 1982 election, and since the proposed activity is neither a campaign fundraiser nor, according to you, to influence your election, the Commission concludes that no reporting obligation is incurred regarding the expenses of the party. This result also follows from Advisory Opinion 1978-4, copy enclosed. The Commission there concluded that a testimonial event to honor the service of an incumbent member of Congress was a bona fide testimonial rather than a campaign event and so was not subject to the Act so long as (i) no political contributions are solicited, made or received by any person in conjunction with the event and (ii) the event does not involve any communications addressed to the attendees as a group which expressly advocates the incumbent's nomination or election to Federal office or the defeat of any other candidate.

The Commission notes that it expresses no opinion regarding possible application of House rules to the proposed activity since those rules are outside the Commission's jurisdiction.

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

Enclosure (AO 1978-4)