



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Statement of Commissioner Robert O. Tiernan

on

Reconsideration of Advisory Opinion 1981-35

Since the discussion and votes on Advisory Opinion 1981-35 during the September 17, 1981 public meeting, and in light of the arguments which were made at the meeting last week, I have further reviewed the legislative history in this area. My view is that the long prohibition on the use of corporate and union treasury funds in connection with a federal election (2 U.S.C. 441b), was carefully written by Congress as a broad prohibition from which certain specific limited exceptions have been legislatively drafted over the years. Thus when certain activities are "in connection" with a federal election, only Congress can create a variance, not the FEC.

Just as the FEC is limited in its ability to create new exceptions to 441b, so it is limited in broadening the prohibitions contained in 441b. On the issue of "reapportionment" or "redistricting" campaigns, Congress has so far been silent. With such a barren legislative history, I do not think that the FEC should extend its jurisdiction in an area that is better left to state scrutiny and the regulation of other bodies.

Robert O. Tiernan

Commissioner Robert O. Tiernan
September 24, 1981