



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 26, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1981-60

Mr. Robert Bearce
3928 Amherst
Houston, Texas 77005

Dear Mr. Bearce:

This responds to your letter of December 21, 1981, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the forwarding of solicitation letters received by you.

Your letter states that you received many solicitation letters from different political action committees and candidates. You state that in order to support these political action committees or candidates, you wish to take the original solicitation letter you receive, type your own message^{*} on it, and send the letter to a friend, neighbor, or relative of yours. You note that the letter you receive does not ask you to do this and that you would not make copies of the original letters. Your sole concern is that of bringing to the attention of other people the opportunity" to contribute to the particular political action committee or candidate. You state that you will receive no pay or remuneration other "than the satisfaction of knowing I have brought good candidates to the attention of other people, giving them the chance to make their own decision." You ask whether this is permissible under the Act and Commission regulations.

The Commission concludes that nothing in the Act or Commission regulations prohibits you from undertaking the described activity although it may be subject to contribution limitations.

* The message you propose to type on a letter from a PAC would read as follows: "TO WHOM IT MAY CONCERN: please read over the following letter from _____. If you believe their efforts should be, supported, (1) contribute if you can and (2) pass this letter on to someone else you might think would be interested in working for the principles American [sic] was founded upon." When you receive a letter from a candidate (e.g. The Committee to Elect John Doe for Senate) you would type the following message: "TO WHOM IT MAY CONCERN: If you think John Doe is the right man for the Senate, (1) contribute if you can and (2) pass this letter on to someone else you think might be interested in supporting John Doe."

Under the first situation you describe in your request a solicitation letter received from an unauthorized committee would be sent to another individual. Under the Act, any costs incurred with respect to forwarding the letters are not considered a contribution to the political action committee, so long as the forwarding of such letters is not done at the direction of or in coordination with the political action committee. Thus, costs incurred for forwarding the letters by you are not subject to limitation or reportable.

Under the second situation you describe in your request, a solicitation letter from a candidate or his or her authorized committee would be sent to another individual. Under the Act, the financing by any person of the dissemination, distribution, or republication, in whole or part, of any written or other form of campaign materials prepared by a candidate or his/her authorized committee constitutes both an expenditure and a contribution. As a contribution the costs incurred would be subject to the contribution limitations. 2 U.S.C. 441a(a)(7) and 11 CFR 109.1(d)(1); see Advisory Opinion 1980-46 and compare Advisory Opinion 1978-49, copies enclosed. Thus, while it is permissible for you to send a letter you may have received from a candidate to friends, neighbors, and relatives, the postage costs and any other costs you incur in forwarding those letters represent a contribution from you to that candidate and therefore are subject to the \$1,000 per election, per candidate, limitation on contributions by individuals to candidates. See 2 U.S.C. 441a(a)(1) and 11 CFR 110.1(a).

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)

Frank P. Reiche
Chairman for the
Federal Election Commission

Enclosures (AOs 1980-46 and 1978-49)