



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 23, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-25

Mr. William T. Sutphin, Esq.
One Palmer Square
Princeton, New Jersey 08540

Dear Mr. Sutphin:

This responds to your letter of March 18, 1982, requesting an advisory opinion on behalf of the Barbara Sigmund for Congress Committee ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to whether the wire transfer of funds by the Committee for campaign materials, qualifies as payment by "check or similar draft."

In your request you state that the Committee has contracted with a firm, Paxton & Turner, for custom made campaign materials. This firm has requested that the Committee make an advance payment of approximately \$1,100 prior to the commencement of any manufacturing activities. The Committee has made the advance payment with a wire transfer of funds from its campaign depository to the account of Paxton & Turner in the Bank of Virginia Beach. The Committee has recorded the transaction on its books as a disbursement and expects to receive proper documentation evidencing its receipt of the items ordered.

The Commission's regulations, at 11 CFR 102.10, state that "all disbursements by a political committee... shall be made by check or similar draft...." A wire transfer of funds from the Committee's campaign depository to a creditor's bank account would fall under the broad heading of "similar draft," provided that adequate documentation of the transaction is provided and maintained by the Committee. In addition, the Committee would have to report the transaction as a disbursement on its reports filed with the Clerk of the House. See 11 CFR 104.3(b).

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,

(signed)

Frank P. Reiche
Chairman for the Federal Election Commission