



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

May 20, 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-33

Bernard J. Mondt  
Williams Project '76  
Box 254  
Carteret, New Jersey 07008

Dear Mr. Mondt:

This responds to your letter of April 13, 1982 requesting an advisory opinion on behalf of the Williams Project '76 ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the Committee's distribution of its excess campaign funds and assets.

The Committee, the principal campaign committee of Harrison Williams, has approximately \$70,000 remaining in an election fund account\* in addition to a 1978 automobile which was used by former Senator Williams in his political travels. The Committee proposes to donate the money and the car to Mr. Williams for his personal use. Your request raises the issue whether such donations would be permitted under the Act and Commission regulations.

The Act and Commission regulations permit amounts received by a candidate that are in excess of any amount necessary to defray expenditures to be used for any lawful purpose. 2 U.S.C. 439a and 11 CFR 113.2. In 1979, this section of the Act was amended to prohibit the conversion of such excess campaign funds to personal use except in the case of any individual who was a Senator or Representative in the Congress on January 8, 1980. Congressman Thompson of New Jersey, while discussing the Senate amendment subsequently adopted by the Congress declared:

... the Senate amends the bill to comport with existing House rules on the conversion [of] excess campaign funds. Presently, under House rules Members may not convert such excess campaign funds to their personal use. The Senate amendment would apply that policy to all the Federal candidates, except that

current members of Congress would be subject only to the rules of the House or Senate.

Congressional Record H12366 (daily ed. Dec. 20, 1979). As former Senator Williams was a member of the Senate prior to January 8, 1980 he may, therefore, convert the excess campaign funds, the remaining cash and the car, to his personal use. See also Advisory Opinions 1981-15, 1980-138, and 1980-113, copies enclosed.

The Committee must disclose the purpose(s) for which the remaining campaign funds will be used before it is permitted to close its accounts. The Committee may, however, disclose the use of the excess funds and terminate in the same report. See 11 CFR 102.3.

The Commission expresses no opinion as to the possible Federal (or State) tax ramifications, or the application of any rules of the Senate presented by this request, as those issues are not within its 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)

Frank P. Reiche  
Chairman for the Federal Election Commission

Enclosures (AOs 1981-15, 1980-138 and 1980-113)

\* In its last report filed with the Secretary of the Senate the Committee lists no debts or obligations.