



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1983-5

The Honorable Ronnie G. Flippo
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Flippo:

This responds to your letter of January 22, 1983, requesting an advisory opinion with respect to application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a proposed use of campaign funds.

Your request states that your authorized campaign committee, The Ronnie G. Flippo Committee ("the committee"), proposes to provide special recognition to supporters who provide regular financial support to the committee. According to your request, a minimum annual contribution level would be established to determine those contributors eligible for this recognition. The special recognition would be in the form of certificates, mementos, newsletters, special receptions, and possibly other social events. Payments for these items and activities would be made by the committee. You ask whether the proposed expenditures would be permissible under the Act and Commission regulations.

The Commission has held in a number of advisory opinions that under the Act and Commission regulations candidates and their authorized campaign committees have considerable discretion in making expenditures from campaign funds. See Advisory Opinions 1981-2, 1980-123, 1980-94, 1980-49, 1980-29, and 1977-11, copies enclosed. Accordingly, the Commission concludes that, as long as expenditures by the committee for the items and activities described in your request are properly reported under 2 U.S.C. 434(b) and 11 CFR 104.3(b), nothing in the Act or Commission regulations would prohibit the committee from spending its funds for these purposes.

The Commission notes that the expenditures in question would count toward the \$5,000 threshold for your candidate status with respect to the 1984 election cycle. The threshold for

candidate status is reached when an individual, or another person (such as the committee) on behalf of and with the consent of such individual, receives contributions or makes expenditures that in either case aggregate in excess of \$5,000. 2 U.S.C. 431(2) and 11 CFR 100.3(a). Once an individual becomes a candidate, he or she has 15 days in which to designate in writing a principal campaign committee by filing a Statement of Candidacy, (FEC Form 2). 2 U.S.C. 432(e) and 11 CFR 101.1.

The Commission expresses no opinion as to the possible application of House rules to the described activity, nor as to any tax ramifications, since those issues are outside 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)

Danny L. McDonald
Chairman for the Federal Election Commission

Enclosures (AOs 1981-2, 1980-123, 1980-94, 1980-49, 1980-29, and 1977-11)