



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 25, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-19

Barbara J. Thomas
Executive Director
The Macklin/Clemens Corp.
One Third St., N.W. #7
Post Office Box 75237
Washington, D.C. 20002

Dear Ms. Thomas:

This responds to your letter of March 2, 1984, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to your proposed promotion of Mark Twain as a presidential candidate.

Your letter states that the Macklin/Clemens Corporation ("the Corporation"), a non-profit organization, presents educational programs on social issues through a Mark Twain impersonation performed by Bill McLinn. As an added media attraction, the Corporation plans to promote Mark Twain as a presidential candidate. Twain's "Smitten with Presidential Madness" speech will be incorporated into your program and campaign paraphernalia; for example, "Twain for President" buttons, bumper stickers and T-shirts, will be distributed during performances. You also state that the Corporation plans to hold a mock presidential nominating convention to raise funds for the organization. This event will be open to the public upon the purchase of an admission ticket. You ask whether the described activity is subject to the Act and Commission regulations, and if so, how the receipts from ticket sales to the mock convention would be reported.

The Commission is of the opinion that the proposed promotion of a fictional candidate to pursue educational and fundraising goals does not fall within the purview of the Act. The Act has no application so long as the proposed activity does not involve the receipt or payment of money or anything of value for the purpose of influencing the election or defeat of an actual person to Federal office. See Advisory Opinion 1982-66 (copy enclosed). Because the Commission has determined that the Act does not apply to your proposed activity, your question concerning the method of reporting ticket receipts need not be answered.

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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)

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosures (AOs 1982-66)