



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-57

Patrick G. Golden, Esq.
Pacific Gas & Electric Company
Law Department
P.O. Box 7442
San Francisco, CA 94120

Dear Mr. Golden:

This refers to your letter of October 30, 1984, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the proposed publication of an article in the Pacific Gas and Electric Company's employee newsletter.

You state in your request that Pacific Gas & Electric Company ("the Company") publishes a weekly newsletter which is made available to Company employees, retirees, and employees on long-term disability. You indicate that the Company is concerned about takeovers of hydroelectric projects by municipal utilities, and supports pending Federal legislation to prevent such takeovers and to require compensation if such takeovers occur. You state that both of California's U.S. Senators and 12 Members of the U.S. House of Representatives currently co-sponsor such legislation. You propose to publish an article in the Company newsletter mentioning the pending legislation and listing the Senators and Representatives who co-sponsored it. The draft you have submitted gives the official Washington address for the Senators and Representatives, and suggests that readers may want to contact their legislators to let them "know that their support is appreciated." You indicate that the article will not be published until after the November, 1984 elections have taken place. You ask whether publication of the article would be permissible.

The Act and regulations provide that it is unlawful for any corporation to make a contribution or expenditure in connection with a Federal election. 2 U.S.C. 441b(a); 11 CFR 114.2(a). However, the Commission does not regard all corporate expenditures for activities that may have a political impact as expenditures "in connection with" a Federal election. Although a corporation may not make expenditures to influence or participate in political campaigns for Federal office, it may make expenditures to prepare and distribute statements on issues of

general public interest. Advisory Opinions 1980-128 and 1980-95; see First National Bank of Boston v. Bellotti, 435 U.S. 765, 784-85, (1978).

Elsewhere, the Commission has held that attempting to influence a state legislature's decisions on reapportionment is not necessarily election-influencing activity of the type subject to the Act and regulations, but is similar to lobbying. Advisory Opinion 1981-35. Lobbying activity in general is exempt from the Commission's jurisdiction. Advisory Opinion 1978-52. The legislative history of the Act indicates that the broad prohibition against corporate involvement in the election process was not intended to cover lobbying activity. Advisory Opinion 1981-35; Advisory Opinion 1982-14.

Because the draft article appears to be an expression of the Company's opinion on an issue of general public interest, the Commission considers it to be analogous to lobbying, rather than an attempt to influence a Federal election. Expenditures to produce and publish the article are therefore beyond the scope of the Act and regulations.

The Commission notes that it expresses no opinion on the applicability of Federal lobbying statutes, as any issues arising thereunder are outside the Commission's 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. 2 U.S.C. 437f.

Sincerely yours,

(signed)

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosures (AOs 1978-52, 1980-95, 1980-128, 1981-35 and 1982-14)