



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CONCURRING OPINION IN ADVISORY OPINION 1986-12

of

COMMISSIONER THOMAS J. JOSEFIK

I concur with the conclusion reached by the Commission in Advisory Opinion 1986-12, insofar as Ms. Ferraro is permitted under the FECA to transfer funds from her 1984 congressional campaign to her 1986 U.S. Senate exploratory committee.

I disagree, however, with the opinion's primary reliance upon 2 U.S.C. 439a as the basis for permitting the transfer. The opinion should simply have relied upon regulations found at 11 CFR 110.3(a)(2), which permit unlimited transfers of funds between authorized committees of the same candidate, whether or not the funds are deemed to be "excess" under 439a.