



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DISSENTING OPINION IN ADVISORY OPINION 1986-28

of

COMMISSIONER THOMAS E. HARRIS

The Commission, pursuant to its usual urge to accommodate, rules that the candidate's committee need not report in-kind its use of the candidate's residence as a campaign headquarters. This result appears at first glance to be both reasonable and unimportant.

There are two problems with it.

The first is that it cannot rationally be readied under the Act and regulations. Both differentiate in numerous provisions between a candidate and a volunteer on his behalf, and a candidate simply is not "an individual volunteering personal services on his or her residential premises to any candidate...."

The second difficulty with the decision is that it raises questions, not adverted to in the opinion, as to whether candidates are to enjoy the various other contribution and expenditure exemptions accorded to volunteers by the Act and regulations.

In straining to excuse this Committee from a minor non-burdening reporting requirement the Commission is buying problems for the future, and is of course discounting the Act's policy of full disclosure.