



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 20, 1988

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1988-23

Stephen Finley
12606 S.E. 30th Street, #3
Bellevue, Washington 98005

Dear Mr. Finley:

This responds to your letter of May 9, 1988, requesting an advisory opinion on the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to your sale of airline coupons to a congressional campaign.

Your letter explains that United Airlines gave you some coupons for free round-trip travel in the continental United States because you relinquished your seat on oversold flights. You state that you have communicated with coupon brokers concerning the value of the coupons and have received offers ranging from \$200 to \$250, with an average of \$235. You further state that you have seen classified advertisements in Seattle newspapers where individuals offer similar coupons for \$250 to \$350; the average asking price is \$300.

You plan to sell several of your airline coupons to a congressional campaign for \$300 per coupon. Members of the campaign will use the coupons to travel between Seattle and Washington, D.C. The fare without a coupon would be \$496 per person. You ask whether your sale of the coupons to the congressional campaign would be considered a contribution under the Act and, if so, what the amount of the contribution would be.

The Act does not prohibit a seller from entering into an arm's length, for-profit transaction with a candidate or a candidate's committee where the seller charges the usual and normal price for the goods or services. See 11 CFR 100.7(a)(1)(iii)(A) and (B); Advisory Opinion 1988-17.

The Commission concludes that, in the circumstances you describe in your letter, your sale of your airline coupons to the congressional campaign is permissible and would not be a

contribution under the Act. You are offering the coupons at a price within the range that such coupons are normally offered in the Seattle market to nonpolitical purchasers.

This response constitutes an advisory opinion concerning the application of the Act, or of 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)

Thomas J. Josefiak
Chairman of the Federal Election Commission

Enclosures (AOs 1988-17)