

Conrad Burns
for
U.S. SENATE

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FEDERAL ELECTION COMMISSION
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August 8, 1990

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

AOR 1990-17

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FEDERAL RECEIVED
OFFICE OF ELECTION COMMISSION
COUNSEL

Attn: Bradley Litchfield

Re: Request for Advisory Opinion
Conrad Burns/US Senate and
Jim Swain, Treasurer

Dear Mr. Noble:

On behalf of Jim Swain and the Burns campaign committee, we wish to request, pursuant to Section 112.1 of the Code of Federal Regulations, an advisory opinion.

The Burns committee and Jim Swain plan to retain legal counsel to represent our interests in connection with a complaint filed on or about July 10, 1990, in MUR 3087 before the Commission. The complaint in MUR 3087 pertains solely to activities which allegedly took place in connection with the 1988 election cycle. Although others are named as the primary respondents, the Burns campaign and Jim Swain have been formally notified by the Commission to respond.

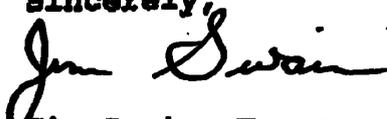
Based upon that intention, the question we wish to pose is this: Would the expense of retaining an attorney under these circumstances be chargeable to the 1988 campaign and would the campaign be permitted at this time to raise money chargeable to the 1988 campaign to cover that expense?

In this regard, all other debts and expenses of the 1988 campaign have been paid, no funds remain from that campaign, and a final report has been filed. This matter, however, is a contingent liability from the 1988 campaign, and the expenses would be an obligation incurred solely with respect to the 1988 election.

Your issuance of an advisory opinion giving us direction in this matter is appreciated. Please forward the opinion to the campaign in care of Dennis R. Rehberg, Campaign Manager, P.O. Box 3311, Billings, Montana, 59103.

Thank you for your assistance.

Sincerely,



Jim Swain, Treasurer



Conrad Burns/US Senate
By Dennis R. Rehberg,
Campaign Manager