



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 3, 1992

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1992-8

The Honorable William H. Orton
1723 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Orton:

This responds to your letters of February 21 and 27, 1992, requesting an advisory opinion regarding the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to your use of tax seminars as a fundraising project for your campaign.

You indicate that, prior to your election to Congress, you spent part of your time teaching seminars for attorneys and CPAs on various provisions of the tax code and related regulations. You propose to continue this practice by holding "educational seminars on various tax and banking laws" as a fundraising mechanism for your re-election campaign.^{1/} You state that you will consider all proceeds from the seminars as campaign contributions and would apply all the various notices and contribution limitations that ordinarily apply to contributions. You further state that the total cost of putting on the seminars, including your travel, advertising, and other similar expenses would be treated by the campaign as fundraising expenses.

In advertising the seminars, you plan to use lists purchased from specific list brokers to make mailings that consist of brochures describing the events. You state that the brochures will contain a statement "very clearly" informing the reader that the seminar fee is a contribution to your campaign. This notice will be repeated on the R.S.V.P. portion of the brochure.

Because to your knowledge no one has ever used this particular technique for campaign fundraising purposes, you desire a formal ruling from the Commission to ensure that your proposal will not violate some aspect of the Act or Commission regulations.

The Act and Commission regulations contain various requirements governing a political committee's fundraising procedures and projects. These include disclaimer provisions regarding the advertisement of the event, various record keeping rules for distinguishing between primary and general election contributions and rules restricting the amounts and sources of contributions that can be accepted. For example, see 11 CFR 102.8, 102.9, 103.3, 104.8 and 110.11; see also 2 U.S.C. 441a, 441b, 441c, 441e, and 441f. As long as the Act and Commission regulations are complied with and the activity is otherwise legal, there are no provisions that curtail the fundraising methods a campaign may use.^{2/}

You state that you intend to provide the appropriate disclaimers when advertising the proposed seminars and intend to treat the related expenditures as fundraising expenditures and the receipts as contributions. If all other regulations relevant to fundraising activities are likewise met, the Commission concludes the use of tax seminars as a fundraising tool is permissible.

The Commission expresses no opinion as to any application of the rules of the House of Representatives to your activity or any tax ramifications, since those issues are outside the Commission's jurisdiction.

This response constitutes an advisory opinion concerning the application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

Joan D. Aikens
Chairman for the Federal Election Commission

Enclosures (AOs 1991-34, 1982-24, and 1980-42)

ENDNOTES

1/ The probable dates of the seminars would be in the months of June, July, and September. Preliminarily, you plan to hold the seminars in Washington, D.C., New York, Chicago and perhaps Los Angeles and/or San Francisco. Although the cost for admission has not yet been determined, information informally provided to the Office of General Counsel indicates that in the past you have charged \$300 per attendee for your tax seminars.

2/ Past advisory opinions contain examples of different fundraising activities. These range from holding concerts (Advisory Opinion 1980-42) and art shows (Advisory Opinion 1982-24) to sales of a voter list data base (Advisory Opinion 1991-34).