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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

**CONCURRING OPINION OF COMMISSIONER POTTER  
TO ADVISORY OPINION 1992-38**

Advisory Opinion 1992-38 is consistent with previous Commission guidance in this area, which has granted increasingly wide latitude to campaign committees in the use of the Presidential legal and accounting compliance fund. Until the Commission formally revises its policies it would be unfair to treat this presidential committee differently from those which have come before. Accordingly, I voted in favor of this Advisory Opinion.

Nevertheless, as a general matter, I believe the Commission should revisit the Presidential legal and accounting compliance fund exemption and review both the existence and scope of this exemption. In my opinion, the legal and accounting fund, a creation of the Commission, has grown far beyond its intended bounds. It provides the spectacle of private fundraising by presidential campaigns which have signed an agreement to forgo such activity. These funds are then sometimes utilized, as in this case, to pay for non-compliance obligations of Presidential campaigns. The Commission's current rules and Advisory Opinions concerning the General Election Legal and Accounting Compliance Fund can only sow confusion about the Presidential campaign funding system, and should be the subject of a thorough Commission review in the near future.

Handwritten signature of Trevor Potter in cursive script.

Trevor Potter  
Commissioner

November 17, 1992