

DGC 9851

 **Southwestern Bell Corporation**

September 3, 1993

**Alan E. Siegel**  
Senior Attorney -  
Human Resources

**Federal Election Commission  
Office of General Counsel  
999 E. Street, N.W.  
Washington, D.C. 20463**

AOR 1993-18

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Dear Commissioners:

On behalf of Southwestern Bell Corporation ("SBC"), request is hereby made for an advisory opinion from the Federal Election Commission ("FEC") pursuant to 2 U.S.C. § 437f with respect to the specific activities set forth below.

**FACTS**

Various Southwestern Bell Corporation subsidiaries wish to engage in certain activities during election years in connection with both federal and non-federal elections. SBC seeks the FEC's concurrence that the proposed activities, when conducted in connection with a federal election, are consistent with the Federal Election Campaign Act of 1971, as amended (the "Act"), and regulations promulgated pursuant thereto, specifically 2 U.S.C. § 431(8)(A) and § 441b and 11 C.F.R. Parts 100 and 114, and will not result in a prohibited corporate contribution or expenditure.

As background information, SBC is a San Antonio-based international telecommunications holding company with almost one million shareowners. SBC subsidiaries employ more than 59,000 employees. SBC companies' lines of business include network services and equipment, cellular and mobile communications, cable television, and advertising and printing. The largest of SBC's subsidiaries is Southwestern Bell Telephone Company ("SWBT"), which provides local exchange telephone service in Arkansas, Kansas, Missouri, Oklahoma and Texas.

SWBT and other SBC subsidiaries actively encourage all of their employees to be involved in their community, including political and legislative activities -- i.e., to be politically informed, to vote, to stay abreast of legislative issues and to express their opinions to elected officials.

175 E. Houston  
12th Floor  
San Antonio, Texas 78205

Phone 210 351-3431

As part of this effort, SBC and its subsidiary companies propose to initiate a program to encourage employees and retirees to volunteer to serve as campaign workers for candidates of their choice, in connection with both federal and non-federal elections, and to facilitate the involvement of volunteers in campaigns. This is deemed to be in the companies' best interests as it is expected to increase the community involvement of personnel, heighten awareness of the work force politically and legislatively, and open channels of communication for the expression of company views to lawmakers.

SBC companies propose to facilitate this involvement in several ways. For example:

- Early in the campaign season, an SBC company may send questionnaires to all candidates campaigning for a particular elected position to determine how employees and retirees wishing to volunteer can best help out, whom they should contact to work in the campaign of the candidate of their choice, when they are needed, etc. The SBC company would publish this information about all candidates for a particular elected position so that employees and retirees can select the candidate of their choice for whom to volunteer.
- An SBC company may set up a candidate information booth in company locations where information on all candidates' campaign offices would be available. Employees would then be encouraged to contact the campaign headquarters and volunteer to work for the candidate of their choice.
- When a candidate speaks to employees on a non-partisan basis at company locations, a company representative would announce whom to contact if employees wish to volunteer for the candidate speaking. Of course, all candidates for a particular elected position would be given the same opportunity to appear before employees.

All expenses related to the above activities would be paid for by SBC companies. Planning and coordination of the above activities would be performed entirely by SBC company employees on company time and would involve the use of company material/supplies.

As previously noted, the activities are designed to provide information on a non-partisan basis to encourage more employees and retirees to become politically and legislatively knowledgeable and active, and involved in

their communities. At no time will the above activities be used to express advocacy or defeat of a candidate for federal office or for the solicitation of any political contributions. Names of employees who might possibly be willing to volunteer in a campaign will not be provided to candidates by SBC personnel, rather it will be up to an individual to volunteer his/her services to the campaign.

#### REQUEST

SBC requests an advisory opinion that the proposed activities, as described above, when in connection with a campaign for election to a federal office, will not violate the Federal Election Campaign Act of 1971, as amended, and specifically the prohibition contained in 2 U.S.C. § 441b against corporate contributions or expenditures in connection with a federal election.

#### DISCUSSION

The activities of SBC companies as described above should not be in violation of 2 U.S.C. § 441b since they will simply be to facilitate the flow of public information (names of candidates, names of campaign officials to contact, campaign office telephone numbers, etc.) to employees and retirees who may then voluntarily decide to campaign for a candidate of their choice. SBC does not intend to, nor does it believe that it will be, directly or indirectly, relieving candidates of expenses that they otherwise would have experienced.

Moreover, the purpose of the SBC companies' activities will be neither to attempt to influence the outcome of or advocate the election or defeat of a candidate for federal office.

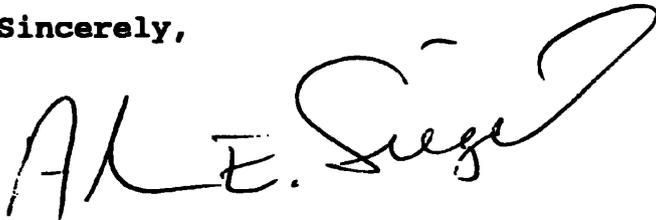
Nevertheless, the SBC companies recognize that candidates rely heavily on volunteers to conduct a successful campaign and therefore mustering individuals who are willing to perform volunteer work for candidates would be valuable and in some circumstances, in connection with a federal election, could appear to fall within the definition of a prohibited political contribution. For example, if SBC companies were to assemble and provide to a candidate for federal elective office, a list of names of employees or retirees who are willing to perform volunteer work for the candidate, this might be viewed as alleviating the campaign from having to expend funds to secure campaign workers. However, that is not the proposal; rather, the SBC companies will be encouraging individuals to volunteer and will be providing employees and retirees with information on a non-partisan basis that will make it easier for employees and

retirees who want to become involved to do so. Again, as previously noted, this is considered to be of benefit to the companies as it is deemed to be in their best interests to have a work force that is involved in the community and politically and legislatively informed. And, although the companies do not intend or believe the activities to be contributions in connection with a federal election, an abundance of caution suggests the seeking of this advisory opinion to assure that the activities as proposed do not result in the engaging in any prohibited corporate contribution or expenditure in connection with a federal election by any Southwestern Bell company.

Since personnel acting on behalf of SBC companies will not be soliciting political contributions or advocating the election or defeat of a particular candidate for federal office, it is hereby requested that the Commission agree that the described activities, when conducted in connection with a federal election, would not be either contributions or expenditures under the Act.

Please contact the undersigned if you have any questions or require additional information pertaining to this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. E. Siegel". The signature is written in dark ink and is positioned below the typed name "A. E. Siegel".