

Litchfield

AGENDA DOCUMENT #95-101-A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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COMMISSION
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SEP 20 4 54 PM '95

September 20, 1995

MEMORANDUM

TO: The Commission

FROM: Scott E. Thomas
Commissioner *[Signature]*

SUBJECT: Amendments to draft Advisory Opinion 1995-32

AGENDA ITEM
For Meeting of: 9-21-95

SUBMITTED LATE

I suggest that the revisions noted on the attachment be made. The first change would remove the suggestion that reimbursement of an officer would be a problem. (We say just before that direct payment by the entities would be permissible.) The second change would agree with the comment of the requestor that the voluntary services exemption should be available to persons providing assistance to the host committees. Finally, we should clarify that the value of such volunteer services would not need to be reported like contributions.

3 enforcement.

4 Local individuals are individuals who reside in the
5 Metropolitan Area of the convention city. You state that the
6 president of each company resides within the Metropolitan
7 Area of Chicago. Consequently, the presidents of the donor
8 companies would be considered local individuals.

9 Therefore, the Commission concludes that nothing in the
10 Act or Commission regulations precludes the presidents of the
11 companies described above from using their personal funds to
12 make these donations to the Committee, ~~provided the~~
13 ~~individuals are not reimbursed for their donations.~~

14 Similarly, the company presidents may donate their
15 uncompensated personal time, ~~provided it is used for the~~
16 ~~purposes described in 11 CFR 9008.52(c).~~
The exception for volunteer services at 11 CFR 100.7(b)(3) would be applicable.

17 The Committee's acceptance of monetary and in-kind
18 donations from the companies or individuals you describe ^(other than the donation of uncompensated personal time)
19 triggers an obligation to comply with the recordkeeping and
20 reporting requirements of the Act. 2 U.S.C. §437 and 11 CFR
21 9008.51(b). Note that the value of an in-kind donation is
22 the price of the goods or services in the market from which
23 they ordinarily would have been purchased at the time of the
24 donation. Cf. 11 CFR 100.7(a)(1)(iii) (value of in-kind
25 contributions determined by usual and normal charge). The
26 documentation required under 2 U.S.C. §432(c) and regulation
27 sections 102.9 and 104.14 must be preserved and available for
28 audit, inspection or examination by the Commission for at
29 least three years after the filing of the report to which the
30