

July 17, 1996

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
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Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: Request for Expedited Advisory Opinion**

Dear Sir or Madam:

*This is to request an advisory opinion as to whether contributions may be accepted under the following circumstances:*

*The candidate is an outgoing state legislator with a surplus in his state campaign contribution account. State law, New Hampshire RSA 664:4-b, prohibits use of the funds "for personal use" but allows their use for "politically related activity." The candidate is inclined to contribute some of these funds to the reelection campaigns of colleagues in the state legislature. The candidate is soliciting contributions for his federal campaign from political activists, including the state legislators to whom he would like to contribute his surplus state campaign funds.*

*Would it be permissible, under 11 C.F.R. §110.3(d) and otherwise to accept contributions from state legislators during the same campaign season as the candidate contributes to those legislators' state reelection campaigns from his surplus state campaign funds?*

*The New Hampshire primary is September 10, 1996. We request an expedited reply in order to take appropriate action in a timely manner.*

*Very truly yours,*

David R. Connell, Treasurer

DRC/vsh



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

July 23, 1996

David R. Connell, Treasurer  
Colantuono for Congress  
P.O. Box 1084  
Londonderry, NH 03053

Dear Mr. Connell:

This refers to your letter dated July 17, 1996, on behalf of Colantuono for Congress ("the Colantuono Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the use of state office campaign funds and the receipt of contributions from state legislators.

Mr. Colantuono is an outgoing state legislator with a surplus in his state legislature campaign committee. You state that New Hampshire State law prohibits the personal use of those funds but allows their use for "politically related activity." The candidate wants to contribute some of these funds to the reelection campaigns of fellow members of the state legislature. He is soliciting contributions to his Federal campaign from political activists, including the state legislators to whom he wishes to contribute surplus state campaign funds. You ask whether it would be permissible under the Act for the Colantuono Committee to accept contributions from those state legislators "during the same campaign season" that contributions are made to those legislators' campaigns from the candidate's surplus state campaign funds.

The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

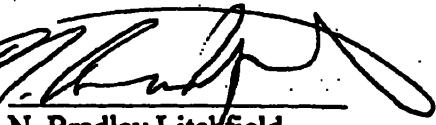
In view of these requirements, you will need to provide responses to the following questions:

- (1) Please clarify whether the Colantuono Committee will receive contributions from the personal funds of the state legislators or from those legislators' reelection committees.
- (2) State the amounts the candidate plans to contribute to each state legislator. State the specific time period in which the candidate plans to make these contributions.
- (3) State the amounts the Colantuono Committee anticipates receiving from each of the state legislators referred to in question 2 and the specific time period in which the Committee plans to receive the contributions.
- (4) State whether there are or will be any oral or written agreements, arrangements, or other understandings with these state legislators as to the making and receipt of the contributions to and from them or their committees. Describe such agreements, arrangements, or understandings.
- (5) State whether the state legislators would expect to make personal contributions to the Colantuono Committee and then be reimbursed by their individual state legislature campaign committees.

Upon receiving your responses to the above questions, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
N. Bradley Litchfield  
Associate General Counsel

COLANTUONO FOR CONGRESS

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Mr. N. Bradley Litchfield, Esq.  
Associate General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, D. C. 20463

AOR 1996-33

Re: Request for Expedited Advisory Opinion

20 DAY AOR

Dear Mr. Litchfield:

Thank you for your letter of July 23, 1996, which responded to my letter of July 17, 1996. The following are responses to the five questions enumerated in your letter:

1. Please clarify whether the Colantuono Committee will receive contributions from the personal funds of the state legislators or those legislators' reelection committees.

The Committee would anticipate receiving funds either from the personal funds of state legislators or, less likely, from their state campaign committees.

2. State the amounts the candidate plans to contribute to each state legislator. State the specific time period in which the candidate plans to make these contributions.

The candidate's surplus state campaign funds total approximately \$6,000. He would anticipate contributing up to \$1,000 each to as few as six candidates. All contributions would be made before the primary election, September 10, 1996.

3. State the amounts the Colantuono Committee anticipates receiving from each of the state legislators referred to in question 2 and the specific time period in which the campaign plans to receive the contributions.

The Committee would anticipate receiving contributions from state legislators or their committees in amounts roughly equivalent to the contributions made by the state campaign committee to the campaigns of the state legislators. All contributions would hopefully be received before the September 10, 1996 primary election.

4. State whether there will be any oral or written agreements, arrangements, or other understandings with these state legislators as to the making and receipt of the contributions to and from them or their committees. Describe such agreements, arrangements, or understandings.

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Typically state legislators contribute substantially to their own campaigns. It is anticipated that the candidate would point out to his state legislative colleagues the advantage to their mutual political goals that could be achieved by a contribution from the surplus state funds to the state legislator's campaign, which would allow the state legislator to contribute a like amount to the Colantuono Committee without depriving the State legislator's own campaign of much-needed funds. There would be no formal agreement, but there would be an understanding that roughly equivalent contributions would be made to one another's campaigns to promote their mutual political goals.

5. State whether the state legislators would expect to make personal contributions to the Colantuono Committee and then be reimbursed by their individual state legislature campaign committees.

The candidate's state campaign surplus funds would be contributed to state legislators' reelection campaigns, not for their personal use. State law seems to prohibit state legislators from using such contributions for their personal use, so they should not expect to reimburse themselves.

If you have any further questions, please do not hesitate to contact us.

Sincerely,



David R. Connell, Esq.

Treasurer

Colantuono for Congress

