



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2004-22

The Honorable Doug Bereuter
P.O. Box 94794
Lincoln, NE 68509

Dear Congressman Bereuter:

This responds to your letter dated June 7, 2004, requesting an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (“the Act”), and Commission regulations to your proposal to transfer campaign funds to the Nebraska State Republican Party.

Background

You state that you are leaving the U.S. House of Representatives, effective August 31, 2004.¹ You further state that the Nebraska State Republican Party has purchased an office building to be renovated and used as its headquarters. Your principal campaign committee, Bereuter for Congress, recently transferred \$5,000 from its campaign account to the Nebraska State Republican Party for remodeling the building, and you are contemplating transferring another \$10,000 to \$15,000 for those same purposes. You ask if Bereuter for Congress is permitted to transfer such funds, and if so, whether they may be transferred before August 31, 2004. You further ask if there are any other factors that may affect your ability to transfer funds for this purpose.

Legal Analysis and Conclusions

Under the Act, as amended by the Bipartisan Campaign Reform Act of 2002, a candidate’s campaign funds may be spent only for one or more of the four permitted uses enumerated in 2 U.S.C. 439a, and must not be converted to the personal use of any individual (2 U.S.C. 439a(b)). A candidate’s principal campaign committee may transfer, without limitation, any contributions received to a State committee of a political party. *See* 2 U.S.C. 439a(a)(4); *see also* 11 CFR 113.2(c). These provisions do not limit the

¹ On December 16, 2003, you publicly announced that you would not be seeking reelection in 2004.

purposes that any transferred funds may be put to, nor do they restrict the amount that may be transferred in any specific period of time.² The Commission understands that Bereuter for Congress has sufficient funds in its campaign account to make the proposed transfers.

Accordingly, the Commission concludes that Bereuter for Congress may transfer \$10,000 to \$15,000 in campaign funds to the Nebraska State Republican Party for the purpose of remodeling its party headquarters, and that any or all of the funds you wish to transfer may be transferred before August 31, 2004.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transactions or activities set forth in your request. *See* 2 U.S.C. 437f. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity.

Sincerely,

(signed)

Bradley A. Smith
Chairman

² A transfer pursuant to 2 U.S.C. 439a(a)(4) and 11 CFR 113.2(c) is not subject to the contribution limitation in 2 U.S.C. 441a(a)(1)(D) or 11 CFR 110.1(c)(5). Such a transfer is also consistent with the regulations addressing office buildings of State or local party committees in 11 CFR 300.35.