



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

ADVISORY OPINION 2015-14 (HILLARY FOR AMERICA)

CONCURRING STATEMENT OF CHAIRMAN MATTHEW S. PETERSEN AND COMMISSIONERS CAROLINE S. HUNTER AND LEE E. GOODMAN

This advisory opinion is the first opinion issued by the Commission since the U.S. Court of Appeals' decision in *Van Hollen v. FEC*,¹ which reminded us that the Federal Election Campaign Act of 1971, as amended, contains a "purpose-laden definition of 'contribution'" that informs our regulatory actions.² Under a similar "purpose-laden" analysis, the Commission concluded that a stipend awarded to a student who interned on a campaign was for bona fide educational objectives, not compensation for personal services and thus was not a contribution under 11 C.F.R. § 100.54.

To the extent that this opinion contradicts past advisory opinions that reached different conclusions, those advisory opinions are superseded.³

We hope the Commission's new approach will promote civic engagement by generations of young Americans and we are gratified by this development.

¹ *Van Hollen v. Federal Election Commission*, No. 15-5016, slip op. (D.C. Cir. Jan. 21, 2016).

² *Id.* at 11 (finding regulation "persuasive" because "the FEC's purpose requirement is consistent with the purpose-laden definition of 'contribution' set forth in FECA's very own definitional section" citing 52 U.S.C. § 30101(8)(A)(i)).

³ *See, e.g.*, Advisory Op. 1979-67 (RNC-DNC) (Vanderbilt University offered scholarship for an educational program that included a three to four week experience at the Democratic National Committee or the Republican National Committee, and either a Senate or Congressional office or campaign headquarters in the teacher's home state; Commission recognized the educational purpose but concluded that participants could not engage in campaign-related services); Advisory Op. 1982-31 (Koenig) (New York University Law School educational stipend for student's legal and accounting services provided to a federal campaign permissible pursuant to 52 U.S.C. § 30101(8)(B)(viii) but any other services were deemed impermissible); Advisory Op. 1985-17 (non-profit organization's proposed scholarship fund for Senate and House interns permissible so long as interns do not engage in any "Federal election activity"); Advisory Op. 2003-20 (Rep. Silvestre Reyes) (non-profit organization's scholarship fund to support Hispanic students in El Paso, Texas, pursuing undergraduate degrees does not make contributions or expenditures so long as recipients do not engage in election activities "as part of, or in exchange for, the scholarship"). Like the internship program at the New York University Law School at issue in AO 1982-31, but unlike the Vanderbilt University internship program at issue in AO 1979-67, the DePauw Grant Program is open to all students regardless of whether the students receive academic credit for their respective internships.