

ALLOCATION OF POLLING EXPENSES

COMMUNICATION

FROM

**THE CHAIRMAN, FEDERAL
ELECTION COMMISSION**

TRANSMITTING

**AN AMENDMENT TO THE COMMISSION'S DISCLOSURE REG-
ULATION TO GOVERN THE ALLOCATION OF POLLING EX-
PENSES, PURSUANT TO SECTION 316(c) OF THE FEDERAL
ELECTION CAMPAIGN ACT, AS AMENDED [2 U.S.C. 438]**



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EXPLANATION AND JUSTIFICATION OF § 106.4 ALLOCATION OF POLLING EXPENSES

§ 106.4 *Allocation of polling expenses*

(a) The purchase of poll results by a candidate's authorized committee or agent is an expenditure by the candidate. Reference is made to § 100.7(b)(2) under which polling expenses incurred in determining whether to become a candidate are exempted, unless the individual otherwise subsequently becomes a candidate.

(b) The purchase by an unauthorized person of poll results which are accepted by a candidate or political committee results in a contribution in-kind by the purchaser to the candidate or committee. Acceptance results from any one of three specified situations. If the contributor is a reporting political committee, it would report the full amount spent as an expenditure on its own reports. Part of that amount might qualify as an operating expenditure not attributable as a contribution in-kind if paragraph (d) applies. Reference is made to § 100.4(b)(1) under which polling expenses incurred in determining whether to become a candidate are exempted, unless the individual otherwise subsequently becomes a candidate.

(c) The acceptance by a candidate or political committee of poll results which, prior to receipt, have been independently published does not result in a contribution in-kind to the candidate or political committee.

(d) An unauthorized committee may allocate as an overhead expenditure a portion of the cost of poll results used by the committee for its own purposes. For example, if such a committee purchases and uses poll results to determine which candidate(s) it will support and in addition contributes the poll results to certain candidates or committees, it should allocate a reasonable amount to itself as an overhead expenditure and allocate the remainder among the recipients as expenditures made for contributions in-kind under paragraph (e).

(e) Expenditures for or contributions in-kind of poll results are to be valued using any one of four specified methods.

(f) All candidates and political committees receiving contributions in-kind of a particular poll's results within the 15-day period beginning when the first candidate or committee receives results must use one of the allocation methods provided in paragraph (e). If a committee receives poll results which it wishes to contribute itself, that receipt could also trigger the 15-day period.

(g) Candidates or political committees receiving contributions in-kind of a particular poll's results after the initial 15-day period may depreciate the value of their respective contributions according to a specified schedule.

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