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FEDERAL ELECTION COMMISSION

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FEC RULES ON
PRESIDENTIAL TRAVEL

WASHINGTON - NOVEMBER 20 - The Federal Election Commission ruled today that the costs of appearances during 1975 by President Ford at "legitimate Republican Party promotional events" are presumed to be on behalf of the party, and not subject to his own candidate contribution and expenditure limits.

However, the Commission set January 1 of a presidential election year as a cut-off point, and said, "Post January 1 appearances will be presumed to be candidate-related" and subject to campaign limits.

The Commission said, "Candidate appearances at a legitimate party promotional event, prior to January 1 of a Presidential election year, are party building in nature and are not inherently intended to influence the candidate's nomination for election to Federal office."

The ruling was contained in Advisory Opinion #1975-72, approved today. It was requested by the Republican National committee, but the Commission noted it would "also be applied by the Commission to presidential candidates other than President Ford."

The Commission emphasized that its conclusions were "rebuttable" in given fact situations. It listed three conditions under which non-election year party appearances by a candidate would be treated as "candidate-related." Those are if either (1) solicitations for the party event, or (2) the setting of the event, or (3) the remarks made by candidates who were invited to attend, were "for the purpose of influencing the nomination for election, or election, of that candidate(s) to Federal office."

It also noted, "The Commission presumes that in the period prior to January 1, 1976, the RNC will accord equitable treatment to all of its Presidential candidates."

The FEC cited support for a "vigorous party system" in the report of The Senate Committee on Rules and Administration report accompanying the Federal Election Campaign Act Amendments of 1974, and said, "The FECA implicitly recognized the role of political parties in our electoral process and encourages stronger and more competitive, major, minor, and new parties through the payment of Federal monies."

The Commission noted that this is the date when public financing to Presidential candidates may commence. "The Congressional determination that the public payments shall become available on January 1 supplies a persuasive suggestion that Congress believed that date to mark the commencement of increasingly serious Presidential campaigning which will consume an increasing portion of the candidate's time. This justifies the view that almost all public activities engaged in thereafter are candidate related," it said.

The Commission said, "In situations where it can be shown that President Ford after the date he became a candidate, attended an event which did not, under the preceding criteria, fulfill legitimate party building purposes, the Commission assumes that the RNC will treat its expenditures on behalf of the President as contributions in kind, subject to the \$5,000 limitation. In the event this limit is exceeded, the President Ford Committee should repay the RNC for costs incurred on behalf of the President and then list such repayments as expenditures."

The ruling was approved 5-1 (Commissioner Harris voting no).