



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-26

Mr. J. David Keaney
Egan, Flanagan and Egan
69 Market Street
Springfield, Massachusetts 01103

Dear Mr. Keaney:

This responds to your letter of May 8, 1984, on behalf of the Honorable David M. Bartley for U.S. Senate Committee ("the Committee") requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations regarding the acceptance of certain contributions by the Committee.

Your letter states that Mr. Bartley is a candidate for the Democratic nomination for the United States Senate from Massachusetts. You also state that Mr. Bartley serves as an appointed member of the Board of Directors of the Massachusetts Housing and Finance Administration, a position for which he receives no remuneration. You state that this State agency makes decisions on requests from developers seeking the agency's assistance in financing various projects throughout Massachusetts. You add that individuals who are associated with these developers may wish to make contributions to the Committee. You ask whether acceptance of these contributions would be permissible under the Act.

The Commission notes initially that certain types of contributions are unlawful under the Act, including those made from the treasuries of national banks, corporations and labor organizations, 2 U.S.C. 441b, those made by foreign nationals, 2 U.S.C. 441e, and contributions from Federal Government contractors, 2 U.S.C. 441c. Unless expressly prohibited, contributions from any person are permitted insofar as the Act is concerned. See the definition of "person" in 2 U.S.C. 431(11). The Act does, however, include several limitations on the amount a person may contribute to candidates for Federal office. 2 U.S.C. 441a.

The Commission concludes that, assuming none of the individuals who propose to make contributions to the Committee are prohibited by the Act from doing so, and so long as none of the proposed contributions to the Committee violate any other limitation of the Act and

Commission regulations, acceptance of the contributions by the Committee would be permissible. See also, 2 U.S.C. 453, 11 CFR 108.7.

The Commission notes the possible relevance of other Federal statutes to your question, but may express no opinion as to their application because it has no authority to issue advisory opinions or pursue enforcement matters with respect to those statutes. See, for example, 18 U.S.C. 600 and 601.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Lee Ann Elliott
Chairman for the
Federal Election Commission