



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 4, 1978

AO 1978-18

Honorable William L. Dickinson
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Dickinson:

This refers to your letter of March 3, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended, to distribution of a Chamber of Commerce publication entitled "How They Voted" to Members of Congress.

Your letter and prior correspondence received directly from the Chamber indicate that the publication in question is a compilation of selected votes of Members of Congress during the First Session of the 95th Congress. The Commission understands that the Chamber proposes to distribute a single copy of the publication to you and all other Members of Congress as a matter of courtesy and without regard to any Member's affiliation with the Chamber. This distribution will apparently be incidental to the Chamber's permissible distribution of the publication to its members under 2 U.S.C. 441b(b)(2)(A) and Commission regulations. See 11 CFR 114.7(h) and 114.8(h).

The question with respect to which you request an advisory opinion is:

May the Chamber of Commerce of the United States send to all Members of Congress and may all Members of Congress receive a copy of the publication, "How They Voted", if such distribution to members of Congress is financed from the general treasury funds of the Chamber of Commerce?

This question is answered in the affirmative. Since the Chamber has indicated that distribution would be made to all Members of Congress whose voting records are presented in the publication, the distribution would be made without regard to the status of the recipient as a candidate for Federal office. Moreover, in the circumstances presented by your requests there is no evident purpose to influence Federal elections via the proposed distribution to members of Congress. See 2 U.S.C. 431(f)(4)(F). It is also significant that the Supreme Court in Pipefitters v.

United States, 407 U.S. 385, 92 S. Ct. 2247 (1972) described the scope of the prohibition in 18 U.S.C. 610 (now codified as 2 U.S.C. 441b) as extending to the use of corporate or union treasury funds to reach the general public in support of or opposition to candidates for Federal office.

The Commission notes, however, that distribution of the publication, by or on behalf of the Chamber, to other persons who are nonmembers of Chamber or its State or local affiliates would be unlawful under 2 U.S.C. 441b since the publication was prepared at the expense of the Chamber which is itself incorporated and also defrays its operating expenses from funds provided by other corporations. The Chamber has previously been apprised by the Commission's legal staff of the application of the Act to public distribution of its vote ratings of the 94th Congress. See Staff Letter O/R #790 (copy enclosed).

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)
Thomas E. Harris
Chairman for the
Federal Election Commission

Enclosure