



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-14

Ralph M. Hall
Hall For Congress
P.O. Box 711
Rockwall, Texas 75087

Dear Mr. Hall:

This responds to your letter of February 20, 1980 requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the use of campaign materials from a prior campaign.

Your letter states that you have approximately 90,000 campaign coins from a 1972 campaign. These items, which you purchased from your personal funds, are a United States penny with an aluminum outer ring on which a campaign message is imprinted. You add that the imprint does not deface the penny in any way. You ask whether these items may be used in your 1980 campaign, and, if so, how such use should be reported.

Part 110.3(a) (2) (iv) of the Commission's regulations permits the transfer of funds between a candidate's previous campaign committee and his/her current committee provided none of the funds transferred contain contributions otherwise prohibited by 2 U.S.C. 441a, 441b, 441c, 441e. The Commission has previously recognized that campaign materials and claims owed to a committee represent assets of the committee which may be used to liquidate committee debts or be transferred to a candidate's current campaign. See AO 1979-24, and AO 1977-29, copies enclosed. Because the campaign materials sought to be transferred in this case were originally purchased by you from your personal funds, the requirement of 11 CFR 110.3(a)(2)(iv) that none of the assets represent contributions prohibited by the Act would be met, and, accordingly, the Commission concludes that those materials may be transferred and used in your current campaign. The campaign committee should report the value of those materials as an in-kind contribution from you pursuant to 2 U.S.C. 434(b)(3)(A).

In reference to your third question of whether it is permissible to use a United States penny in such a campaign item, the Commission notes that nothing in the Act or Commission regulations prohibits such use under the circumstances you have described. The Commission expresses no opinion as to the possible application of other Federal statutes.

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)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosures