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RECEIVED  
FEDERAL ELECTIONS COMMISSION

90 JUN -1 AM 10:30

Strub for Congress  
120 Paradise Ave  
Piermont, NY 10968  
(914) 365-3030

Date: May 25, 1990  
To: Office of General Counsel  
Federal Elections Commission  
999 E Street NW  
Washington, DC 20463  
From: Sean Strub  
Re: Advisory Opinion

90 JUN -1 AM 11:43  
FEDERAL ELECTIONS COMMISSION

Yesterday, I spoke with Janet Hess at the FEC concerning a situation with my intended campaign for Congress

She suggested I explain the situation in writing and request an advisory opinion, which is the purpose of this letter

Originally a fellow named David Hochberg was going to run for the NY 22nd CD David commissioned a survey, paid for by his personal funds

David decided not to run and I decided to run instead David has offered to help, as a part-time volunteer, with my campaign

The survey is done, David has it I have not looked at it, nor have David and I discussed its findings

Obviously, David knows the survey's contents To some extent, information found in the survey could apply to my campaign strategy and tactics How does his access to the information in the survey impact his involvement in my campaign? Are there other issues here we should be aware of?

My campaign has very little money -- less than \$5,000 at this point -- and it is unlikely we will raise enough to pay for any survey until the fall, at least

Your expeditious response would be appreciated

*Sean Strub*



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

June 12, 1990

Sean Strub  
Strub for Congress  
120 Paradise Avenue  
Piermont, NY 10968

Dear Mr. Strub:

This refers to your letter dated May 25, 1990, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the use of survey results obtained by a former candidate who is now a volunteer for your House campaign.

You state that David Hochberg, who was going to run for the House from the 22nd Congressional District of New York, commissioned a survey paid for by his personal funds. He subsequently decided not to run, and you decided to run instead. Mr. Hochberg has offered to assist your campaign as a part-time volunteer.

Mr. Hochberg has the results of the survey and knows its contents. You have not looked at the survey and you have not discussed the contents with Mr. Hochberg. You state that "[t]o some extent, information found in the survey could apply to [your] campaign strategy and tactics." You state that your campaign has very little money and that it is unlikely that the campaign can pay for the poll until autumn.

You ask what effect Mr. Hochberg's access to the survey information has on his involvement as a campaign volunteer. You also ask if this situation involves any other issues.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

In view of the cited requirements, you will need to provide information as to a number of relevant factors referred to in the questions set out below.

(1) Please describe the specific types of activities that

Mr. Hochberg proposes to perform for your campaign.

(2) Please state the general nature of the information or data that Mr. Hochberg would convey to you from the poll results.

(3) Please state when Mr. Hochberg received the poll results.

(4) Please state whether Mr. Hochberg has informed you of his intention to use the poll results to assist him in his volunteer efforts for your campaign.

For your information and review, I am enclosing copies of Advisory Opinions 1987-22 and 1980-88. You should also take note of Commission regulations at 11 CFR 100.7(b)(3) and 106.4.

Upon receiving your responses to the above questions, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process, the enclosed opinions, or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:

  
N. Bradley Litchfield  
Associate General Counsel

Enclosures

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86-2717

JUN 25 11 54 AM '90

JUN 27 12:45 PM '90

**Date:** June 25, 1990  
**To:** Lawrence M. Noble, General Counsel  
Federal Election Commission  
**From:** Sean Strub  
Strub for Congress  
20 South Main Street  
New City, NY 10956  
**Re:**

AOR 1990-12

Thank you for your expeditious response to my letter of June 12.  
In response to your queries:

1. Mr. Hochberg is interested in a) helping to set up interviews with the media, and b) soliciting individuals for contributions to the campaign.
2. It would be information concerning demographics, public opinion, and name recognition of elected officials in the 22nd Congressional District.
3. On or about May 22, 1990.
4. Mr. Hochberg has informed me that he has the poll results, whereupon I informed him that we could not discuss them. We have not, in any way, other than me telling him I was requesting this advisory opinion.

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JUN 27 3:10 PM '90

Please let me know if you need further information.  
Thank you very much.

*Sean Strub*