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FEDERAL ELECTION
COMMISSION
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Robert A. Roe
P.O. Box 497
Wayne, New Jersey 07470

Nov 15 12 33 PM '93

November 8, 1993

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FEDERAL ELECTION COMMISSION
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VIA CERTIFIED MAIL - RRR #P 149 551 638

Federal Election Commission
Office of General Counsel
999 East Street, N.W.
Washington, D.C. 20463

ADR 1993-22

Re: Advisory Opinion Request

Gentlemen:

Please accept this letter as a request for an Advisory Opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission Regulations (the "Regulations") as to the use of my excess campaign funds.

I was a member of Congress, commencing in November, 1969, and continuing through the 102nd Congress. I have not served as a member of Congress subsequent to the 102nd Congress.

On June 10, 1993, the Treasurer of my principal campaign committee filed a Statement of Organization with the Federal Election Committee redesignating the committee as the Roe Political Committee, a nonconnected multicandidate political committee. No other changes regarding the committee were made in this amendment. The entire balance of my principal campaign committee was transferred to the Roe Political Committee. As of November 30, 1989, the unobligated balance on hand in my principal campaign fund was \$569,512.39. The balance of the Roe Political Committee as of November 4, 1993 was \$772,853.26.

I intend to use the excess campaign fund as follows:

1. The unobligated balance on hand on November 30, 1989, of \$569,512.39, will be contributed by the Roe Political Committee to the Robert A. Roe Charitable Foundation (the "Foundation"). The Foundation trust document authorizes the

trustee to distribute any portion or all of the income and principal of the Foundation to qualifying charitable organizations, as selected, from time to time, by the trustee. Qualifying organizations are defined by the trust document to include those organizations which would qualify for a charitable income tax contribution deduction under the relevant sections of the Internal Revenue Code. The trustee has the absolute discretion to make or not make contributions in any year, and to select the organization or organizations to receive contributions. In the event that I shall become disabled as determined by a certified physician, the trust property is to be used for my benefit. The trustee has powers generally granted to a fiduciary under an inter vivos trust to deal with the trust property in accordance with the terms of the trust document. I have retained the power to amend or revoke the Foundation during my lifetime, or by providing for such amendment or revocation in my Will. The trustee has the power to appoint an additional or successor trustee. A trustee may resign. Any trustee serving (other than myself) is entitled to receive reasonable compensation for his or her services, as trustee. I am designated as the initial trustee.

2. The unobligated balance of my campaign fund in excess of the November 30, 1989 amount will remain with the Roe Political Committee.

In addition to providing a description of the application of the Act and Regulations to the described circumstances, please specifically provide information on: (1) reporting and filing requirements for the proposed use of campaign funds; (2) the guidelines on my being able to serve as a director of the Roe Political Committee; (3) whether "Roe Political Committee" is a permitted name for the multicandidate political committee; (4) the permitted use of funds by the Roe Political Committee; (5) limitations on the use of funds by the Roe Political Committee prior to qualification as a multicandidate political committee; (6) whether the Roe Political Committee may avail itself of the length of existence of my principal campaign committee, the number of contributions made by such committee, and the number of contributions made to such committee, since its registration with the Commission; and (7) whether the Roe Political Committee qualifies as a multicandidate political committee within the meaning of the Act.

I would like to complete the proposed contribution prior to January 1, 1994. It would be appreciated if your response could be prepared at your earliest convenience so that sufficient time will be available to complete the proposed conversions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Roe", written in a cursive style.

Robert A. Roe