



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 1, 1977

AO 1977-10

Honorable Dewey F. Bartlett
United States Senate
Washington, D. C. 20510

Dear Senator Bartlett:

This is in response to your letter of March 2, 1977, requesting an opinion from the Commission concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a proposed gift to you (and Senator Bellmon) by the Oklahoma Republican State Committee of a computer tape of registered Oklahoma voters.

You state that you and Senator Bellmon plan to assist the State Committee in raising funds to defray the State Committee's expenses of computerizing a list of registered voters in Oklahoma. The State Committee wishes to give both you and Senator Bellmon copies of the computer tape, retaining the original for its own purposes. You intend to use the tape "solely for the purpose of sending constituent mailings," and you ask whether the gift of the tape constitutes a "contribution" as defined by the Act.

The Commission concludes that if the computerized voters list is given by the State Committee for the purpose of aiding your communications to constituents under the congressional franking privilege (39 U.S.C. 3210), and is not given for the purpose of influencing a Federal election, the tape would not be a "contribution" for purposes of the Act, see 2 U.S.C. 431(e). Of course, the gift of a computerized list to be used for mailings, other than those permissible under the franking privilege, would present a different factual situation which is not covered by this opinion.

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

Sincerely yours,

(signed)
Vernon W. Thomson
Chairman for the
Federal Election Commission

Enclosure