



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-81

The Honorable Larry Winn, Jr.
U.S. House of Representatives
2416 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Winn:

This responds to your letter of December 20, 1979, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the use of a community facility for a fundraising event.

Your letter states that you plan to hold a fund raiser on April 13 at the Armory in Kansas City, Kansas. The Armory is owned by the State of Kansas and managed by the Citizen's Military Committee ("Citizen's Committee"). You state that it has been the Citizen's Committee's policy in the past to make the Armory available free of charge to each political party once during a year. The Citizen's Committee plans to permit the Wyandotte County Republican Committee ("County Committee") the use of the facility, and the County Committee will grant the Winn for Congress Committee ("Winn Committee") the right to use the facility on this occasion as the without-charge event. You ask whether the use of the Armory by the Winn Committee under these circumstances is permissible under the Act, and, if so, how such use should be reported.

Under the Act, the term "contribution" is defined to include any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. 431(8)(A), formerly 2 U.S.C. 431(e)(1). The Federal Election Campaign Act Amendments of 1979* amended the definition of the term contribution so as to exclude from such definition "the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes,... in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities...." 2 U.S.C. 431(8)(B)(ii).

* Public Law 96-187, 93 Stat. 1339, effective January 8, 1980.

The Commission concludes that so long as the Armory is commonly offered and used on a regular basis by members of the Kansas City community for noncommercial and community purposes, and is available for use without regard to political affiliation, then use of the Armory by the Winn Committee would not constitute a contribution to the Winn Committee by the State of Kansas, the Citizen's Committee or the County Committee. If the use of the Armory by the Winn Committee does not constitute a contribution received by the Winn Committee, there would be no requirement to report the value of such use.

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