



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-63

Mr. Jay L. Fox
Treasurer
Committee for Tim Wirth
P.O. Box 15193
Lakewood, Colorado 80215

Dear Mr. Fox:

This responds to your letter of May 19, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the treatment of costs incurred by an individual to co-host a fundraiser.

According to your request, two contributors, Mr. Michael Murphy and Mr. Collis Chandler hosted a fundraising activity in the home of Mr. Murphy on behalf of the Committee for Tim Wirth. They agreed to share the costs, approximately \$500 for refreshments, equally. You state that you "understand Mr. Murphy's cost in hosting a function at his residence is not considered a cash or "in-kind" reportable contribution, but is subject to a \$1,000 per election limitation." The question you raise is whether the cost to Mr. Chandler of co-hosting the fundraising activity held in Mr. Murphy's home on behalf of Congressman Wirth is a contribution in-kind to the candidate and reportable as a contribution.

Under the Act and Commission regulations the term "contribution" does not include the use of real and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate in rendering voluntary personal services on the individual's residential premises, to the extent that the cumulative value of invitations, food and beverages provided by the individual on behalf of a single candidate does not exceed \$1,000 with respect to any single election. See 2 U.S.C. 431(8)(B)(ii) and 11 CFR 100.7(b)(4), (5), and (6). Thus, as you recognize Mr. Murphy's share of the cost of the fundraiser, \$250, is not a contribution.

The amount paid by Mr. Chandler, however, constitutes a contribution in-kind to the candidate and is reportable as such. It is clear from both the Act and Commission regulations, specifically 100.7(b)(6) that the cost of invitations, food and beverages, is not a contribution where they are voluntarily provided by an individual volunteering personal services on the individual's residential premises, see 100.7(b)(4), or in a church or community room, see 100.7(b)(5), to a candidate to the extent that the aggregate value provided on the candidate's behalf does not exceed \$1,000. Since the event was not held in Mr. Chandler's residence nor a community room obtained by him, the Commission concludes that his share, \$250, is a contribution to Congressman Wirth and should be reported as such by the Committee for Tim Wirth.

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)

Max L. Friedersdorf
Chairman for the
Federal Election Commission