



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 29, 1989

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1989-19

Oscar Johnson
4921 Seminary Road
#823
Alexandria, VA 22311

Dear Mr. Johnson:

This responds to your letters dated August 22 and August 31, 1989, requesting an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the sale of copies of pages from reports filed with the Commission.

You ask whether it would be permissible for you, or a "for profit company" that you would form, to sell to the public unaltered copies of pages from selected Reports of Receipts and Disbursements filed with the Commission. The pages you propose to include are the Summary Page, the Detailed Summary Page, and those pages from the Itemized Receipts, Schedule A, that list only contributions from other political committees. Information on individual contributors "would not be included in any way under [your] venture." You state that the copies would be sold "for purposes of education and voter information."

The Act provides that the Commission shall make reports and statements filed with it available to the public for inspection and copying within 48 hours after receipt, "except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." 2 U.S.C. 438(a)(4). See 11 CFR 104.15(a). Based on the legislative history of the Act, the Commission has previously explained that the principal purpose of this restriction is the protection of individuals who make contributions to political committees from having their names used for commercial purposes, not the suppression of financial information. See Advisory Opinions 1988-2, 1986-25, 1983-44, 1981-38, 1980-101, and 1980-78. The focus of the sponsor of the

amendment creating this restriction centered on the privacy of the "very public-spirited citizens" who make contributions to campaigns. 117 Cong. Rec. 30057-58 (1971) (remarks of Senator Bellmon). This focus was reinforced in the legislative history of the 1979 amendments. While the Act was amended to permit a commercial vendor to compile the names and addresses of political committees for the purpose of selling the names of the committees, "the prohibition on the copying and use of the names and address [sic] of individual contributors [was] maintained." H.R. Rep. No. 422, 96th Cong., 1st Sess. 23 (1979).

Specifically, the Commission has permitted a publisher to use names and addresses from reports filed with the Commission to provide leads for news articles and other information for use in a newsletter and to solicit subscriptions, so long as the names of individual contributors were not used. Advisory Opinion 1981-38. In addition, the Commission has permitted the proposed sale of a directory of comprehensive information concerning PACs obtained from documents filed with the Commission, stating that any of the information may be used, "except for information identifying individual contributors." Advisory Opinion 1980-101.

You have stated you will only market copies of report pages that do not contain the names of individual contributors. The Commission concludes that nothing in the Act or Commission regulations prohibits your proposed activity.

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,

[signed]

Danny L. McDonald
Chairman for the Federal Election Commission

Enclosures (AOs 1988-2, 1986-25, 1983-44, 1981-38, 1980-101, and 1980-78)