

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRET

SEP 27 12 12 PM '00



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 27, 2000

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Lawrence M. Noble
General Counsel

N. Bradley Litchfield
Associate General Counsel

Jonathan M. Levin
Senior Attorney

SUBJECT: New footnote for Draft AO 2000-26, Ag. Doc. 00-97

AGENDA ITEM
For Meeting of: 9-28-00
SUBMITTED LATE

The subject draft opinion concludes that the July 1 payment by the State Committee to the Deckard Committee was a contribution and then addresses the excessive contribution issue. This office believes that a reference should be added to note that the contribution to the Deckard Committee came from a committee that was not registered with the Commission. Thus, this office proposes the following footnote that would drop off of the word "steps" on page 4, line 14:

The Commission notes that, in addition to the steps discussed elsewhere in this opinion, the Deckard and State committees must comply with 11 CFR 102.5(b)(1)(ii). In summary, this regulation applies to organizations that are not registered political committees when they make contributions to Federal candidates. It requires, in part, that such an entity demonstrate through a reasonable accounting method that, upon making a contribution, it has received sufficient funds subject to the limits and prohibitions of the Act to make the contribution. A review of the State Committee's reports filed pursuant to Florida statutes indicates that the State Committee apparently had sufficient permissible funds to make the contribution.