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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RELEASE: ON RECEIPT,
TUESDAY, AUGUST 12, 1975

CONTACT: David Fiske
Director of Press Relations
202/382-4733

UNOPPOSED PRIMARY CANDIDATE CAN SPEND
FULL PRIMARY AMOUNT FEC RULES

WASHINGTON - AUGUST 12 - The Federal Election Commission ruled today that a candidate unopposed in a primary election can spend the same amounts as a candidate in a primary fight.

"The Federal Election Campaign Act makes no distinction between opposed and unopposed candidates for purposes of either contribution or expenditure limits," the Commission said in issuing Advisory Opinion 1975-9.

The Advisory Opinion had been requested by U.S. Senator Strom Thurmond, (R-S.C.), and also by the Republican State Central Committee of South Dakota.

The Commission cited the legislative history of the 1974 campaign finance act in reaching its conclusion about spending limits for unopposed primary candidates. In its opinion, the FEC said,

"This Conclusion is in accordance with the legislative history of the Federal Election Campaign Act Amendments of 1974, (the Act). The Senate bill (S. 3044) as reported from committee contained specific provisions which limited expenditures by unopposed candidates in both a primary and general election to 10 percent of the limits applicable to opposed candidates. The 10 percent limit on unopposed primary candidates was deleted by floor amendment during Senate debate while the 10 percent limit on candidates unopposed in the general election was dropped in conference with the House. Thus, the legislative history indicates it was not Congress' intent to make a distinction between opposed and unopposed candidates for purposes of either contribution or expenditure limits. Accordingly, an unopposed candidate in a primary election is entitled to receive contributions and make expenditures with respect to that election within the limitations set by 18 U.S.C. §608."