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FEC RULES ON
CANDIDATE PETITION EFFORT

WASHINGTON - DECEMBER 4 - An independent candidate for Senate seeking to qualify petition for a ballot position in a general election is subject to the same primary period spending limits as party primary candidates, the Federal Election Commission ruled today.

In issuing Advisory Opinion (AO) #53, requested by the Bradley for Senate Committee Gaithersburg, Md., the Commission stated that for such a candidate, "A primary election shall be deemed to have occurred on the day prescribed by applicable State law as the last day to qualify for a position on the general election ballot, or the date of the last major party primary election, whichever is later."

The Opinion noted that surplus funds remaining from a candidate's petition campaign may be used for the general election up to the general election spending limit.

In other action today, the Commission issued the following Advisory Opinions:

-----Contributions from Immediate Family: A member of a candidate's "immediate family" may contribute more to that candidate than the \$1,000 per election contribution limitation. However, the family member is still limited to \$25,000 limit per year for contributions to Federal elections. In addition, any contribution by a family member must be counted as part of the candidate's "personal or family" limit (\$25,000 for House candidates, \$35,000 for Senate candidates, and \$50,000 for Presidential candidates). The Commission cited the decision of the U.S. Court of Appeals (D.C. Circuit) in the court case challenging the campaign finance law (Buckley v. Valeo) which said that the separate candidate "personal or family" limit served "to relax the \$1,000 per candidate contribution limit for a candidate and his immediate family".

Only the individuals specifically defined in the law are included in the "personal or family" expenditure limit of the candidate; this definition includes "the candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons". Therefore, the Commission ruled today that the brother, sister and parents of a candidate's wife are not regarded as "immediate family" for purposes of the "family" limit.

-----Honorariums: (A) A monetary prize given to a Senator as part of a "Human Rights" award does not constitute an honorarium subject to limitation, because it is not given for "an appearance, speech or article". The Commission outlined criteria in such cases: the award must be given a) in "recognition of religious, charitable, scientific, artistic, literary or civic achievements"; b) based on "an established" selection process; c) with the understanding that the award is not compensation for a speech, appearance or article; and d) not in lieu of an honorarium. (AO #85, requested by Sen. Hubert Humphrey (D. Minn))

(B) An honorarium "earned" in 1974, before the honorarium limitations of \$1,000 per appearance and \$15,000 per year went into effect but not received until 1975 would not count against the 1975 honorarium limits. (AO #93, requested by Rep. Bella Abzug (D.NY-20)).