

NEWS FROM...

# FEDERAL ELECTION COMMISSION



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CANDIDATE'S FAMILY MEMBERS  
SUBJECT TO \$1,000  
CONTRIBUTION LIMIT

RELEASE: ON RECEIPT

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WASHINGTON-OCTOBER 4 - The members of a candidate's family are subject to the \$1,000 contribution limit per election to that candidate, the Federal Election Commission said Friday.

In a Policy Statement released Friday, the Commission said that both the Supreme Court and Congress have indicated that the contribution limits of the law apply to immediate family members, unless the money comes from funds over which the candidate "has legal right of access to or control over" at the time he or she became a candidate.

Candidates can make unlimited expenditures from their "personal funds."

The FEC said it was issuing the Policy Statement "in response to the uncertainty which exists concerning the correct contribution limits for members of a candidate's immediate family."

The 1974 law, which imposed spending limits on a candidate, including his immediate family (Presidential candidate, \$50,000; Senate candidate, \$35,000; and House candidate, \$25,000) was interpreted by the U.S. Court of Appeals as being an exception to the \$1,000 contribution limit for certain "immediate family" members. However, the family members were subject to the limit of \$25,000 in total contributions per year. In Advisory Opinion 1975-65, issued in December, 1975, the FEC adopted this Court of Appeals interpretation.

The definition of "immediate family" in the 1974 law included the following: "a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons."

On January 30, 1976, the U.S. Supreme Court, in the Buckley v. Valeo, the case challenging the Federal Campaign Finance law, upheld contribution limits to candidates, but said candidate personal spending limits were unconstitutional. In a footnote, it noted that the Court of Appeals and FEC interpretation of the contribution rights of immediate family members was inaccurate, and that Congress had intended that family member funds not under the candidate's personal control be subject to all contribution limits.

On May 11, 1976, the 1976 Amendments were signed into law and reaffirmed the Supreme Court interpretation. The Conference Report for the 1976 Amendments specifically states that the bill "does not in any way disturb the \$1,000 contribution limit applicable to all individuals, including the immediate family of a candidate."

In Friday's Policy Statement, the FEC said it would apply the family member limits to prior cases as follows:

- Prior to January 30, 1976. "immediate family" contributions to a candidate up to \$25,000 per year were legal.
- Between January 30, 1976, and May 11, 1976. Although contributions from "immediate family" members were limited after the Supreme Court opinion to \$1,000, the FEC said, "between January 30 and May 11, 1976, the law was sufficiently unclear that the Commission will not require refund of any contribution in excess of \$1,000 per election, so long as it was within the donor's \$25,000 annual contribution limit."

(OVER)

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However, the Commission said that even though a family member can contribute \$1,000 for each election, (primary, general, and any run-off elections), any contributions made during this special exception period would be aggregated for all elections. Thus, for example, a family member who gave \$5,000 in the primary prior to May 11 would not have to refund the amount over \$1,000, but would not be able to make any further contributions to the general election.

- After May 11, 1976. The \$1,000 limit will be applied, and any amounts exceeding that amount will be required to be refunded.