

3 AUG 1976

AO 1975-140

Honorable James A. McClure
United States Senate
Washington, D. C. 20510

Dear Senator McClure:

This refers to your request for an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") to your receipt of small anonymous contributions.

As you know, the Supreme Court during the period in which your request was pending, issued its opinion in Buckley v. Valeo, 424 U.S. 1, 96 S. Ct. 612 (decided January 30, 1976). The Court held that the Commission as then constituted lacked the power to issue advisory opinions. From the date of that decision until reconstitution of the Commission on May 21, 1976, no advisory opinions could be issued. We apologize for the unavoidable delay in responding to your request.

Your letter asks whether any special reporting requirements are created by the receipt of "two and five dollar" donations. You indicate that the receipt of these funds will be reported as contributions in your campaign committee's regular reports to the Secretary of the Senate. You further explain that the "two and five dollar" gifts were enclosed in Christmas cards addressed to you at your Senate office in Washington. The gifts were apparently in response to an editorial comment that followed a reprint in American Firearms of a speech you delivered concerning proposed Federal legislation to restrict firearms. The editorial urged readers to send "a little thank you" to you as a friend for whom "we should do everything we can to support him with . . . fervor . . ." It is the Commission's opinion that reporting the receipt of the funds as unitemized contributions would be sufficient for purposes of the Act. However, if any of these contributions exceed \$50, the committee would be required under 2 U.S.C. §432(c)(2) to record the full name and address of the principal place of residence of the person making the contribution. Furthermore, if any contributions from any one donor aggregate over \$100 in the calendar year your committee would be required to itemize the contribution giving the donor's occupation and principal place of business, if any. 2 U.S.C. §434(b).*

* Section 603 of Title 18, United States Code, which is under the exclusive jurisdiction of the United States Attorney General and Department of Justice, may have application to the facts set forth in this request.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

(signed)

Vernon W. Thomson

Chairman for the Federal Election Commission