

## Advisory Opinion 1975-26

### Contribution Limitations as Applied to Excess Senatorial Campaign Funds Deposited with National Republican Senatorial Committee

This advisory opinion is issued under 2 U.S.C. § 437f in response to a request submitted by the National Republican Senatorial Committee (NRSC) which was published as AOR 1975-26 in the August 20, 1975, Federal Register (40 FR 36532). Interested parties were given an opportunity to submit written comments relating to the request.

The NRSC in a letter from its chairman, Senator Ted Stevens, has requested a determination as to the applicability of the Federal Election Campaign Act Amendments of 1974 to the following factual situation.

In 1972, former Delaware Senator J. Caleb Boggs transferred \$11,402 in leftover funds from his own campaign to NRSC with the request that the funds be held by NRSC for the use of the 1976 Republican Senatorial candidate from Delaware. In January 1973 NRSC acknowledged receipt of the Republican Senate candidate from Delaware pursuant to Mr. Boggs' instructions.

The specific issue raised is whether the contribution limitations established in 18 U.S.C. § 608(b), as amended in 1974 (Public Law 93-443) and effective on January 1, 1975, with respect to elections occurring after that date (see AO 1975-5 and AO 1975-6 at 40 FR 31316), apply to this transaction and limit NRSC to distributing only \$5,000 of the \$11,402 to the Delaware Republican Senate candidate in 1976. If NRSC is not so limited a further issue is whether it may contribute an additional \$5,000 to such candidate from its unearmarked funds.

In the narrow factual circumstances present in this specific case, one which may be confined to the transitional period marking the change over from the rules of the 1971 Act to those of the 1974 Amendments, the Commission is of the view that the entire \$11,402 may be transferred to the Republican Senatorial candidate from Delaware who is nominated for the 1976 general election. The Commission emphasizes that the transactions underlying this request are subject to audit verification by the Commission. The Commission is further of the view that NRSC may contribute an additional sum from its general funds for the 1976 Republican Senatorial candidate from Delaware subject to applicable limitations in 18 U.S.C. § 608(b).

The Commission notes that when NRSC transmits these funds to the Senate candidate in 1976, it should indicate on the relevant report that the funds were earmarked for such candidate in 1973.