

Advisory Opinion 1975-29

Limitations on Contributions by Local Political Parties

This advisory opinion is issued pursuant to 2 U.S.C. SS 437f in response to a request submitted by Representative Tom Railsback and published as AOR 1975-29 in the August 20, 1975, Federal Register (40 FR 36532). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

Representative Railsback asks for an opinion as to the maximum contribution that a county central committee of a political party (an official subordinate organ of a State political party committee) may make to a candidate for the U.S. House of Representatives in the primary and the general elections.

There are two contribution limitations for political committees. Under 18 U.S.C. 608(b)(1), a person (including a political committee) is limited to a contribution of \$1,000 per election (see 18 U.S.C. 591(a)) to a candidate for nomination or election to Federal office. Therefore, a political committee under 18 U.S.C. 608(b)(1) may contribute \$1,000 with respect to the candidate's primary election and \$1,000 with respect to the candidate's general election.

Contributions by a county central committee of a State political party are limited to \$5,000 per candidate per election if the county committee meets the following criteria.

1. Has been registered as a political committee under 2 U.S.C. 433 for a period of 6 months;
2. Receives contributions from more than 50 donors;
3. Has contributed to 5 or more Federal candidates.

A county central committee which meets these criteria may then contribute \$5,000 with respect to the Congressman's primary election and another \$5,000 with respect to the general election. In the event of a run-off election, an additional contribution of \$1,000 or \$5,000 may be made (see definition of "election," 18 U.S.C. 591(a)).

Contributions by a county central committee must also be made without the direction or control of any other political committee or person. The conference report to the 1974 Amendments states that:

** *if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation with respect to such person . . ., but it will not count toward a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contribution involved. (House Conference Report No. 93-1438, page 51)

Thus, if the State committee exercises control over any contribution by the county central committee, such contribution will count as a contribution by the State committee. The Conference Report permits "the maximum contribution from each level of the organization if the decision or judgment to make such contributions is independently exercised within the separate levels of the organization."

In conclusion, the Commission notes parenthetically that under 18 U.S.C. 608(f)(3) a subordinate committee of a State party committee of a political party may make expenditures in connection with the general election campaign of a candidate for the House of Representatives. The total amount available for spending on behalf of a candidate for the House of Representatives by a State committee of a political party and its subordinate committees under 608(f)(3) is \$10,000. Any desired allocation of this amount would be a matter for decision among the State and local committees. (See AO 1975-2, 40 FR 36092, August 18, 1975). In any event, expenditures under 608(f)(3) are not chargeable against any Federal candidate's spending limit under 18 U.S.C. 608(c).

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.