

ADVISORY OPINION 1975-37

Incorporation of Political Committee

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request by David E. Birenbaum on behalf of the Shriver for President Committee which was published as AOR 1975-37 in the August 20, 1975, Federal Register (40 FR 36534). Interested parties were given an opportunity to submit written comments relating to the request.

The request asks the Commission whether the Shriver for President Committee, a political committee incorporated as a nonprofit corporation solely for the purpose of collecting and expending political contributions, is barred as a corporation from making contributions or expenditures in connection with any federal election under 16 U.S.C. §610.

The Commission in its advisory opinion published in the Federal Register on August 19, 1975, as AO-1975-16, stated in Section 4 of that opinion, that if "a nonprofit organization is created expressly and exclusively to engage in political activities...and has incorporated for liability purposes only, the general prohibitions in § 610 will not apply to that corporation. Accordingly, the Shriver for President Committee is exempted from the restrictions in § 610 as long as it meets the requirements specified above.

It should be noted further that although an incorporated, nonprofit political committee is not subject to the prohibitions in 18 U.S.C. §610, the treasurer and the chairman of such a political committee nevertheless remain personally responsible for carrying out their respective duties as contemplated by the Federal Election Campaign Act of 1971, as amended. The fact of incorporation does not absolve those officers of any liability imposed upon them under the Act, implementing regulations, and pertinent provisions of Title 18, U.S. Code.

Date September 5, 1975

_____(signed)_____
Thomas B. Curtis
Chairman for the
Federal Election Commission