

ADVISORY OPINION 1975-52

Assistance by a Multicandidate Committee to Pay Off A Candidate's Past Campaign Debt

This advisory opinion is rendered in accordance with 2 U.S.C. §437f, pursuant to a request submitted by the Maine Republican State Committee (hereinafter State Committee) and published on September 3, 1975 (40 FR 40678). Interested parties were given an opportunity to submit written comments relating to the request, but no comments were received.

The request concerns the extent to which the State Committee may assist a successful candidate for Congress to pay off a debt incurred with respect to the 1974 election without impairing the limitations (18 U.S.C. §608) on the amount of money it may contribute to that Member of Congress, if he or she becomes a candidate for re-election in 1976.

In Advisory Opinion 1975-6 (40 FR 31316, July 25, 1975), the Commission stated the conditions under which contributions might be made to extinguish a debt incurred with respect to an election held during the period of January 1, 1973 through December 31, 1974 without reducing the amount a contributor might contribute to a candidate in connection with an election held subsequent to January 1, 1975. The Commission held "that the contribution and expenditure limitations prescribed by 18 U.S.C. §608(b) for individuals and multicandidate committees are inapplicable with respect to election campaigns which occurred prior to January 1, 1975."

The Commission also stated in Advisory Opinion 1975-6, and in its Policy Statement regarding pre-1975 debts (40 FR 32952, August 5, 1975), that in order to assure compliance with the Act, all solicitations for contributions to be used for extinguishing such past debts should include clear notice of that purpose and that persons making such contributions exceeding \$100 must expressly restrict them in writing for application to past debts. The Commission further required, and continues to require, that contributions to retire campaign debts incurred with respect to election campaigns held prior to January 1, 1975 must be received by the debtor (candidate or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions will be charged against contribution limits under 18 U.S.C. §608(b).

Accordingly the State committee may assist the Member of congress by making a contribution to retire a pre-January 1, 1975, campaign debt in any amount so long as (1) the use of the contribution is limited by writing to such purpose, (2) the contribution does not exceed the amount necessary to retire the debt and (3) the contribution is made by December 31, 1975.

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