Re: AOR 1975-86

NOTE: The responsive document to AOR 1975-86 is an Opinion of Counsel, not an opinion issued by the Commission, and does not constitute an Advisory Opinion. It is included in this database for archival purposes and may not be relied upon by any person.

March 12, 1976

AOR 1975-86 issued as
OC 1975-130

OC 1975-130

Mr. William C. Cramer
Republican National Committee
485 L'Enfant Plaza
Suite 4100
Washington, D. C. 20024

Dear Mr. Cramer:

This letter responds to your request for an advisory opinion which was originally processed as AOR 1975-86 and which related to the reporting requirements for local party committees. I apologize for this belated response.

As you know, the Supreme Court recently held in Buckley v. Valeo, 44 U.S.L.W. 4127 (S.C. January 30, 1976), that the Commission as constituted could not be given statutory authority to issue advisory opinions. Although this part of the Court's judgment was stayed for 30 days, and later continued for an additional 20 days, the Commission has determined that it will not issue further advisory opinions under 2 U.S.C. §437f during the stay period as extended. Thus, this letter should be regarded as an opinion of counsel rather than an advisory opinion.

In your letter you generally put forth a proposal under which local Republican (and Democratic) Committees would be permitted to engage in ongoing party activities and receive corporate and other contributions permitted under state law without the obligation to report to the Commission,* provided that the committee meets certain tests. The tests you suggest are:

"a. Such committees and local political party committees, e.g., county, district, city or ward, are either independent of or subordinate to the state political party;

b. Such committees engage in day-to-day operations for the benefit of the (Republican) party as a whole, including registration, education, turn-out of the voters, conduct of polls, recruitment of workers, etc.

c. Such committees support local and state candidates but not Federal candidates;

d. Such committees do not receive contributions for Federal elections in excess of $1,000 nor spend on Federal elections in excess of $100;

e. If party officials in the local jurisdiction (county, district, city, ward) receive or spend for Federal elections, such activity is carried out by separate organizations with segregated bank accounts."

I think it clear that any local party committee which fits within paragraph (d) does not come within the reporting provisions of the Act, since (1) it would not be a committee which receives contributions or makes expenditures related to Federal elections during a calendar year in an aggregate amount exceeding $1,000, see 2 U.S.C. §431(d), and (2) in limiting its expenditures to $100 or less, it would not even come within the independent expenditure reporting requirements, 2 U.S.C. §434(e). These dollar figures are crucial to the issue of whether or not a reporting requirement exists. When the described threshold levels are not exceeded, there is no reporting requirement, and the other activities described by paragraphs (a), (b) and (e) are not relevant.

This letter is to be regarded as an opinion of counsel which the Commission has noted without objection; however, Commissioner Tiernan objects to issuance of any opinions of counsel during the stay period prescribed in Buckley, supra, and later extended.

Sincerely yours,

Signed: John G. Murphy, Jr.
John G. Murphy, Jr.
General Counsel

*The receipt of corporate contributions and other contributions permitted under state law would not affect the reporting requirements of the local party committees. The prohibition in Federal law does, of course, prohibit the use of corporate or union funds, 18 U.S.C. §610, and funds contributed by Federal contractors, 18 U.S.C. §611 in connection with Federal elections.