

ADVISORY OPINION 1975-95

Separate Committees to Receive and Expend Federal and Non-Federal Funds

This advisory opinion is rendered under 2 U.S.C. §437f in response to a request by Mr. Carl M. Williams, Chairman of the Colorado Republican State Central Committee. It was published in the Federal Register on November 4, 1975 (40 FR 51357). Interested persons were invited to submit written comments, but none were received.

The Colorado Republican State Central Committee (CRSCC) requests the Commission's approval of its plan for establishing separate committees for State and Federal election campaign purposes.

The request states that in the past, CRSCC supported Federal, State and local political candidates and, since 1972, reported to the previous supervisory officers all "funds received and expenditures made" from its general account. On June 23, 1975, a new committee, the Colorado Republican Committee (CRC) was formed to contribute to or expend on behalf of candidates for State and local offices only. CRSCC intends to transfer to CRC its remaining cash balance and to file a statement of termination with the Commission in its January 31, 1976, report, 2 U.S.C. §§433, 434.

Before December 31, 1975, the Colorado Republican Federal Campaign Committee (Federal Committee) will be established to solicit contributions and make expenditures for Federal campaign purposes only. CRC will not be a subordinate committee to the Federal Committee, and will not report to it. CRC and the Federal Committee will maintain separate campaign depositories, accounting systems, chairmen and treasurers. The Federal Committee will pay to CRC "appropriate charges" for various items of administrative overhead. Although both will report to the Secretary of State under Colorado law, only the Federal Committee will report to the Federal Election Commission.

It is the opinion of the Commission that the establishment of CRC and the Federal Committee, if conducted as explained above and pursuant to the Commission's proposed regulations on disclosure, will be in compliance with the disclosure requirements of the Federal Election Campaign Act of 1971, as amended. Contributions and expenditures received or made by the Federal Committee are, of course, subject to other applicable Federal laws including 18 U.S.C. §§591, 608, 610, and 611. The Commission notes that its general audit authority (2 U.S.C. §437d and 438) extends to both CRC and the Federal Committee for purposes of verifying that all financial operations of the two committees conform to the representations made in the request.

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.