



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 3, 1976

AO 1976-100

John H. O'Brien
Post Office Box #151
Raymond, New Hampshire 03077

Dear Mr. O'Brien:

This is in response to your letters of October 12, and November 3, 1976, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"). You ask to be relieved of the requirement to designate a principal campaign committee, and that your reporting obligation be limited "to a simple one-time letter-report."

Under 2 U.S.C. §432(e)(1), each candidate for Federal office must designate a principal campaign committee even if the candidate does not plan to use the committee to receive or expend funds. The principal campaign committee must register and report regardless of the amount of contributions received or expenditures made. See also §102.11 of the Commission's proposed regulations as published in the Federal Register on August 25, 1976 (copy enclosed). The Act does not provide for any exemption from this requirement.

Under 2 U.S.C. § 436(b)(1), the Commission may relieve "by a rule of general applicability which is published in the Federal Register . . . , any category of candidates of the obligation to comply personally with the reporting requirements . . . if it determines that such action is consistent with the purpose of the Act." (Emphasis added).*

* This waiver authority may be exercised only on the basis of a rule prescribed by the Commission under 2 U.S.C. §438(c) which, in general, gives either House of Congress authority to review and disapprove Commission regulations within thirty legislative days from the date proposed regulations are submitted. On August 3, 1976, the Commission submitted to the Congress proposed regulations but Congress adjourned before expiration of the required thirty legislative day period.

The Commission is not yet authorized to prescribe statutory regulations under 2 U.S.C. §438(c); however, even if such regulations were in effect, the language of §436(b) does not permit the Commission to waive the requirement that a candidate for Federal office must designate a principal campaign committee. As stated above, such committees must report as required under the Act.

Since the Act does not allow otherwise, you are required to designate a principal campaign committee in accordance with 2 U.S.C. §432(e)(1) (see also §§101.2 and 102.11 of the proposed regulations), and you are required to report under the Act. 2 U.S.C. §434. The Commission has issued forms, including Short Form 6, for the use of candidates.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. 2 U.S.C. §437f.

Sincerely yours,

(signed)
Vernon W. Thomson
Chairman for the
Federal Election Commission

Enclosure