



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 1, 1977

AO 1976-112

Sheldon S. Cohen, Esquire  
Democratic National Committee  
1625 Massachusetts Avenue, N.W.  
Washington, D. C. 20036

Dear Mr. Cohen:

This is in response to your letter of December 15, 1976, requesting an advisory opinion as to the status of Democrats Abroad under the Federal Election Campaign Act of 1971, as amended ("the Act").

On behalf of the Democratic National Committee ("DNC"), you request the Commission's determination that Democrats Abroad is the equivalent of a State party committee for purposes of 2 U.S.C. §441a(a)(4). Specifically, you ask whether the DNC should treat a recent receipt of \$1,000 from Democrats Abroad-Belgium as an intra-party transfer, rather than as a contribution subject to limitation.

You describe Democrats Abroad as "an organization of American citizens living overseas who support the basic principles of the National Democratic Party." The group has a central office in London and "local clubs" in several European countries, Mexico, Canada, and the Middle East. The DNC has been informed that each of the local groups which individually anticipates receiving contributions or making expenditures in a calendar year in an aggregate amount exceeding \$1,000 will file with the Commission as a political committee, pursuant to 2 U.S.C. §433(a). Our records show that five of the local clubs have already filed as political committees: Democrats Abroad-Belgium, -Switzerland, -United Kingdom, -Canada, and -France.

Your letter states your view that Democrats Abroad actually functions as a party committee. The group participated in voter registration and get-out-the-vote drives for the Democratic Party in 1976. As in previous years, the individual Democrats Abroad clubs held fundraising drives, the proceeds of which were donated to the DNC. The Democratic Party, pursuant to its Charter, authorized a voting delegation from Democrats Abroad to participate at the 1976 party convention. The Call to the Convention gave the group three votes to be cast by six delegates who were elected by all members of

Democrats Abroad in accordance with the rules of the Compliance Review Commission of the party. (This was the same representation given to Guam, the Virgin Islands, and the Canal Zone.) In addition, Democrats Abroad was allowed representation on the Standing Committee of the Democratic Party.

In view of these facts, the Commission agrees that Democrats Abroad is a party committee within the meaning of the intra-party transfer provision. Section 441a(a)(4) provides that the limitations on contributions to political committees "do not apply to transfers between and among political committees which are national, State, district or local committees (including any subordinate committee thereof) of the same political party." Correspondingly, the Commission's proposed regulations define a "party committee" as one "which represents a political party and is part of the official party structure at the national, State, or local level." §100.14(a)(4). Democrats Abroad clearly represents the Democratic Party to Americans living in foreign countries, and on the basis of the facts set out above, the group obviously functions as part of the official structure of the Democratic Party. Therefore, transfers between Democrats Abroad and other Democratic party committees are not subject to the contribution limitations of 2 U.S.C. §441a(a)(1) and (2). The \$1,000 from Democrats Abroad-Belgium should thus be reported by the DNC as an intra-party transfer.

However, the Commission does not view Democrats Abroad as equivalent to a State party committee, as you suggest. The Act gives the "State committee" of a political party separate status from the national committee of the same party with the result that the national and State committee may each contribute up to the §441a(a) limits to the same candidate and may each make general election expenditures under §441a(d) on behalf of the same Senate or House candidate. See 2 U.S.C. §441a(a)(5)(B) and §441a(d)(3). The Act includes precise definitions which prescribe the scope of the cited provisions:

'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission; 2 U.S.C. §431(l)

'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; 2 U.S.C. §431(i)

In view of these unambiguous statutory definitions, Democrats Abroad cannot be granted the status of a State party committee. Rather, for the reasons expressed above, Democrats Abroad will be deemed a subordinate of the national party committee, for purposes of 2 U.S.C. §441a(a)(4).

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. See 2 U.S.C. §437f.

Sincerely yours,

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

Enclosures [8/25/76 FR reprint and AO 1976-108]