



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

July 29, 1976

Re: AOR 1976-24

Vigo G. Nielsen, Jr., Esquire  
Dobbs, Doyle & Nielsen  
The Alcoa Building, Suite 2500  
One Maritime Plaza  
San Francisco, California 94111

Dear Mr. Nielsen:

This letter is in response to your letter of May 26, 1976, on behalf of Gun Owners of America. You requested an advisory opinion regarding application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to solicitation of both political and legislative funds in the same mailing.

You stated that Gun Owners of America is registered as a political committee with the Commission and has complied with various filing and contribution requirements under the Act. You informed us that the organization plans to establish "a separate segregated fund" (Special Legislative Action Fund) to be used solely for legislative purposes unrelated to Federal elections. It is expected that this fund will, inter alia, receive contributions from those persons and groups who cannot legally make contributions in connection with a Federal election. Donors will designate their intent to contribute to the legislative fund by means of a reply card enclosed in the fundraising letters sent by Gun Owners.

You request our opinion as to whether solicitations for donations to the Special Legislative Action Fund can be included in the same mailing which seeks political contributions provided the entire cost is borne by the political fund which only contains funds lawfully contributed under the Act. It is the view of the Commission that, under these factual circumstances, the Act does not prohibit the solicitation of contributions to both funds in the same mailing.

We emphasize that 2 U.S.C. §431(e) defines "contribution" in terms of the donor's purpose to influence a nomination or election. Therefore, it is important that a

reply card, or some other means, is provided for the contributor expressly to designate his or her desire to contribute to the political contribution fund or to the legislative fund.

Furthermore, we note that the entire organization of Gun Owners of America is registered as a political committee. Under §102.6(b)(1) of our proposed regulations, the committee would thus continue to report “all receipts and expenditures.” Therefore, Gun Owners of America may wish to register only the Federal campaign aspect of its operations as a separate political committee which would alone be required to report under the Act. A separate bank account would have to be established for this committee and the committee would be subject to the provisions of §102.6(c). A copy of the cited sections from the proposed regulations is enclosed, although changes may be made by the Commission in these sections in the next few days. The final draft language as sent to the Congress will be published in the Federal Register.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). It is the Commission’s view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,

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

Enclosure