



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 5, 1976

Re: AOR 1976-49

Robert L. Millender, Co-Chairman  
Austin for Senate  
20131 James Couzens  
Detroit, Michigan 48235

Dear Mr. Millender:

This letter responds to your request of July 1, 1976, for an opinion as to the transfer of contributions received by the Austin Campaign Committee in 1972 and 1973 to the present Austin for Senate Campaign Committee.

Under 2 U.S.C. §437 of the 1976 Amendments to the Federal Election Campaign Act of 1971, the Commission is required to initially propose rules of general applicability by regulation rather than by advisory opinion.

The Commission's previous policy as to the transfer of excess campaign funds from a state election account to a Federal campaign committee had been stated in Advisory Opinions 1975-10 and 1975-66 and Opinion of Counsel 1975-131. A transfer of pre-1975 contributions was permitted if the transferred sum did not include funds donated by national banks, corporations, labor unions, Federal contractors, or foreign nationals, and if full information as to the source of the transferred funds could be properly disclosed.

Section 104.10 of the proposed regulations recently given final approval by the Commission embodies and clarifies the policy developed in those advisory opinions. A copy of the pertinent section is enclosed.

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 each body. 2 U.S.C. §438(c). These regulations were submitted to Congress on August

3, 1976. It is, however, 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