



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 2, 1976

AO 1976-51

Robert N. Thomson, Esquire
Preston, Thorgrimson, Ellis,
Holman & Fletcher
1776 F Street, N.W.
Washington, D.C. 20006

Dear Mr. Thomson:

This is in response to your letter dated February 9, 1976, requesting an advisory opinion on behalf of the Democratic Senatorial Campaign Committee, a political committee registered pursuant to the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

The request sets out the following facts:

There are a number of individuals, commonly acquainted, who live in various cities throughout the United States. These individuals share a common concern about a particular aspect of United States foreign policy. From time to time they communicate with one another by telephone to discuss the possibilities of petitioning their elected representatives and other decision-makers in the Federal government. Occasionally, these individuals may meet personally to discuss such matters.

The individuals belong to no organized group. There is no group headquarters nor are there any group employees. The individuals maintain no joint bank account where funds are commingled. The individuals are bound together only by a common concern about a particular aspect of United States foreign policy, by personal friendship, and by a common ethnic heritage.

Incidental to their discussions concerning foreign policy, the individuals may discuss among themselves the advisability of individually supporting one or more Federal candidates with political contributions. If certain of the individuals are so inclined, they may make political contributions on personal checks payable to candidates or political committees. These individuals may also solicit others in their respective communities to make similar contributions. All such contributions are within the limits prescribed by 18 U.S.C. §608(b) [now 2 U.S.C. §441a(a)] and all other applicable Federal laws.

These checks may be collected by one of the individuals for the sake of convenience and delivered in a batch to a Federal candidate or his campaign committee. The candidate or his committee will, of course, disclose the name of the individual contributors, as required by 2 U.S.C. §434. No attempt is made to avoid disclosure of names of individual contributors.

The expenses incurred by these individuals in communicating with one another in the fashion described above are primarily directed toward discussing their common concern with United States foreign policy. When all such individual expenses (as distinguished from contributions) are taken together, they may exceed \$1,000 in a calendar year.

Based on the foregoing facts, and in particular (1) the stated possibility that the checks of individual contributors may be collected and delivered in a batch by one of the individuals, and (2) the strong likelihood that individuals "bound together" in the manner described would expressly assert their association when making a contribution to any of the candidates or committees that are the subject of discussion among those individuals, it is the Commission's opinion that, assuming the aggregate contributions involved exceed \$1,000 the individuals acting in concert constitute a political committee.

2 U.S.C. §431(d) defines "political committee" to mean "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000." The term contribution is defined, in pertinent part, 2 U.S.C. §431(e) as "a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the nomination for election, or election, of any person to Federal office . . ." Your statement of facts indicates that the individual contributions are inextricably linked to and the result of the concerted activity. Hence, as concluded above, the group as a political committee must register and report pursuant to the Act.

Individual donors to the committee are subject to the contribution limits of 2 U.S.C. §441a, as is the committee with respect to the amount it may properly contribute to the Democratic Senatorial Campaign Committee and to Federal candidates.

The Commission would also point out that if the committee serves as a conduit for contributions by individuals to a Federal candidate or campaign committee of that candidate, the committee must report the original source and intended recipient of such contributions to both the Commission (or Clerk of the House or Secretary of the Senate as the case may be, see part 105 of the proposed regulations), and the intended recipient. See 2 U.S.C. §441a(a)(8) and §110.6 of the proposed regulations.

The foregoing constitutes an advisory opinion concerning the application of a general rule of law stated in the Federal Election Campaign Act of 1971, as amended, 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

Enclosures [Part 105 & §110.6]