

8 SEP 1976

AO 1976-68

Robert Thomson, Esq.
Counsel to Missourians
for Litton
1776 F Street, N.W.
Washington, D.C. 20006

Dear Mr. Thomson:

This letter is in response to yours of August 9, 1976, concerning the Payment of Congressman Jerry Litton's primary campaign debts. Congressman Litton was a candidate for Senator in the Missouri Democratic primary and was killed in an airplane crash the night of the election. In the final days of the primary race, the Congressman's principal campaign committee, Missourians for Litton, incurred authorized campaign expenses in excess of \$150,000. Congressman Litton intended to pay this debt by transferring his personal funds to the campaign. Since those funds are now unavailable due to State probate procedures, the Congressman's father, Mr. Charles Litton, wishes to pay the campaign debts with his own funds.

You inform us that it is expected that Mr. Litton will eventually receive an amount in excess of the campaign debt from his son's estate. The political committee will report the receipt of Mr. Charles Litton's funds, but does not intend to show on its reports that a continuing debt is owed to him.

It is the Commission's opinion that the described transaction would not violate the Federal Election Campaign Act of 1971, as amended ("the Act").

The general rule, of course, is that no person shall make contributions exceeding \$1,000 to any candidate and his authorized political committees with respect to any election. 2 U.S.C. §441a(a)(1)(A); see also §110.1(g) of the Commission's proposed regulations as published in the Federal Register of August 25, 1976. Furthermore, no individual may make contributions aggregating more than \$25,000 in any calendar year, §441(a)(3). However, Mr. Litton's payment of his deceased son's primary campaign debts under these circumstances does not constitute a "contribution" within the meaning of the Act. The definition of "contribution" in 2 U.S.C. §431(c) states that a "contribution" is "a gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of-- (A) influencing the nomination for election, or election, of any person to Federal office. . . ." Since the candidate is deceased, the proposed payment by Mr. Charles Litton would not meet this statutory definition.

The Commission agrees that Missourians For Litton need not report the father's payment as a continuing debt of the committee. Rather, the committee need only report the receipt of Mr. Litton's donation and corresponding liquidation of the debt. 2 U.S.C. §434(b).

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

Enclosure