



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 20, 1976

Re: AOR 1976-80

Judge Bob L. Thomas
Democrats United Chairman
County Court House
Waco, Texas 76701

Dear Judge Thomas:

This letter is in response to yours of August 30, 1976, in which you request an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), as it relates to Democrats United.

You state that you are serving as chairman of Democrats United, which is being registered with the Commission as a political committee. You describe this political committee as an ad hoc group of Democrats who will work to promote the entire Democratic ticket, consisting of both State and Federal candidates, in McLennan County, Texas. The political committee is "not being formed at the request of or in consultation with the State or local Democratic Executive Committee, and will not be directed or controlled by the State or local Executive Committee." You state further that the Committee will perform numerous services to benefit the Democratic candidates on the "ticket" in McLennan County. These services include:

- a. voter registration and precinct organization
- b. absentee voting campaign
- c. get-out-the-vote campaign, including telephone and transportation services
- d. central campaign headquarters
- e. poster and sign display
- f. media advertising for the slate ticket
- g. finance committee to raise funds to support the expenditures of the political committee

Democrats United is not authorized in writing by any Federal candidate to receive or make contributions or to make expenditures on behalf of such candidate. However, the county campaign coordinator for each candidate on the ticket will use the Democrats

United headquarters. The campaign coordinators will not "direct, control, or service in any position of leadership in the political committee."

You pose several questions against this factual background, the first of which is as follows:

1. If the political committee is not formed, directed, or controlled by the State or local Democratic Executive Committee, will the political committee be considered "a part of the official party structure at the local, State or national level," if it receives funds from the State DEC?

On the basis of the facts you describe, the Commission concludes that Democrats United must be considered a party committee within the meaning of §100.14(a)(4) of the proposed regulations and, therefore, a party committee for purposes of the Act. By supporting the entire Democratic ticket and providing services normally performed by party organizations, Democrats United is a de facto party committee and a subordinate committee of a State committee within the meaning of the regulations. §100.14(a)(4) and §100.19(b).

In view of its conclusion with respect to this issue, the Commission does not deem it necessary to address the further questions you have submitted. As a party committee, Democrats United should be guided by previous Commission pronouncements relating to party committee activity. To this end, the Commission encloses herewith its letter to Mr. Douglas Huron of the Carter Campaign and its opinions in AOR 1976-72, AOR 1976-11, AOR 1976-14, and AOR 1976-15, as well as a copy of the Commission's proposed regulations. Your attention is particularly drawn to Parts 106 and 110, which, respectively, treat questions of allocation and the contribution and expenditure limitations of the Federal Election Campaign Act of 1971, as amended.

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. These proposed regulations were formally adopted by

the Commission and serve as interpretative rules of the Commission as to the meaning of the pertinent statutory language. The proposed rules were transmitted to the Congress on August 3, 1976. See 2 U.S.C. §438(c). For your information I enclose a copy of a recent Commission policy statement regarding those rules.

Sincerely yours,

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

Enclosures