



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 13, 1976

Re: AOR 1976-87

Mark E. Fields
Assistant Treasurer
Montgomery County Democratic
Central Committee
Citizens Savings Building
3720 Farragut Avenue
Kensington, Maryland 20795

Dear Mr. Fields:

This refers to your letter of September 17, 1976, requesting a ruling from the Commission that a brochure prepared by your committee and identifying a presidential, vice presidential, senatorial, and congressional candidate be allocated as an expenditure for each candidate in proportion to the amount of total space devoted to that candidate.

You indicate that the brochures in question were printed in early August before the Commission decided (in its letter of August 31, 1976, to the Carter-Mondale campaign) that the \$1,000 limit on spending by party committees on behalf of their entire ticket, including presidential and vice presidential nominees, may not be allocated based on the number of candidates mentioned in connection with a particular expenditure. You have informally indicated that the total cost for the brochure is approximately \$2,600 and that based on an allocation of one-third of the cost to the Carter-Mondale campaign the expenditure attributable to that campaign would be less than \$1,000 which is the relevant limitation in §110.7(b)(5) of the Commission's proposed regulations as published in the Federal Register on August 25, 1976. Your letter states that the Committee will not print any more Carter material this year.

The Commission concludes that an allocation as you propose may not be made since the Commission previously decided that the special \$1,000 spending right under §110.7(b)(5) may not be allocated. Thus, you may use the described brochures only to the extent that the total cost does not exceed \$1,000. The Commission notes, however, several alternatives by which the committee's costs connected with the brochure may be reduced to \$1,000. The Carter campaign may, from its campaign funds, reimburse the

County Committee for the difference between the cost of the brochures and \$1,000; or, the Democratic National Committee (DNC) may reimburse the County Committee for the same difference although the reimbursement would count against the DNC's limit in 2 U.S.C. §441a(d). Obviously, the Carter campaign and the DNC could each pay a part of the amount over \$1,000. Alternatively, on the facts of this case, the Senate and House candidates identified in the brochure may reimburse the County Committee in an aggregate amount equal to the total cost of the brochures minus \$1,000. The reimbursement from each such candidate must be based on a reasonable division of the costs among them representing, but not exceeding, the proportionate share of the brochure devoted to their respective candidacies.

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