



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

June 28, 1977

AO 1977-24

Honorable John J. Duncan  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Duncan:

This responds to your letter of May 6, 1977, requesting an advisory opinion pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). You ask four questions concerning the termination of your 1976 campaign committee and a carryover of funds from that committee to your 1978 campaign committee.

Your first question asks whether your 1976 campaign committee is considered a continuing committee. The Act and the Commission's regulations treat political committees as continuing organizations unless some action is taken to terminate the registration or existence of the committee. See 2 U.S.C. 433(d) and 102.4 of the Commission's regulations; also see Advisory Opinion 1977-11 (copies of these materials are enclosed).

Your second question asks whether you may transfer any funds left over from your 1976 campaign committee to your 1978 campaign committee. Under 110.3(a)(2)(iv) of the regulations, surplus funds from a prior campaign committee may be transferred to a current campaign committee of the same individual. But, to avoid application of the 1978 limits to each contribution comprising the transferred surplus, all funds transferred must have been received as of the date of the 1976 general election (rather than subsequent to that election) since, except to the extent of outstanding debts from a 1976 election, each "contribution" (as defined in 2 U.S.C. 431(e)) after the date of the general election in 1976 is charged against the contribution limits of the original contributor with respect to a future election.

Your third question asks whether the 1976 campaign committee may be terminated after making an appropriate transfer of its residual funds to the 1978 committee. The 1976 campaign committee may terminate under 102.4 of the Commission's regulations if the committee has no outstanding debts or obligations. The reporting obligations for the 1976 committee would then end, and future reporting would be made by your 1978 campaign committee. See 2 U.S.C. 434 and Part 104 of the regulations. Alternatively, the commission notes that you may wish to amend the Statement of Organization of your 1976 campaign committee to redesignate the committee as your 1978 principal campaign committee. Further, within thirty days of becoming a candidate

with respect to a 1978 election you must file a Statement of a Candidate for Nomination or Election to Federal Office (FEC Form 2). See 101.2.

Your fourth question asks whether contributors who gave up to their limit with respect to elections in 1976 may make new contributions in 1977 with respect to 1978 election(s). As you realize, the contribution limits in 2 U.S.C. 441a apply separately to each election in which an individual is a candidate regardless of when the contribution is made. Therefore, a contribution may be made in 1977 with respect to a 1978 primary and/or general election; the contribution would be charged against the limits applicable to the 1978 election with respect to which the contribution is made. See 101.2(d), 110.1, and 110.5 of the Commission's regulations. A candidate for the House of Representatives, his or her principal campaign committee, and any other authorized committees may receive contributions aggregating not in excess of \$1,000 per election from an individual, and \$5,000 per election from a "multicandidate political committee." See 2 U.S.C. 441a(a)(4) and 100.14(a)(3) of the regulations.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Thomas E. Harris  
Chairman for the  
Federal Election Commission

Enclosures