



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1978

AO 1977-40

Mr. Newton I. Steers, Jr.
Friends of Newt Steers
6601 River Road
Bethesda, Maryland 20034

Dear Mr. Steers:

This responds to your letters of August 19, 1977 and December 12, 1977 which request an advisory opinion concerning application of the Federal Election Campaign Act, as amended ("the Act"), to your acceptance of 1976 campaign contributions from the Maryland Medical Political Action Committee (MMPAC) and the American Medical Political Action Committee (AMPAC).

You ask generally whether you may accept \$5,000 each from MMPAC and AMPAC (for a total of \$20,000) with respect to both the 1976 primary and general elections, to retire your outstanding debts from those two elections. As related in your two letters and disclosed in reports filed by your committee, contributions totalling \$11,100 were received from MMPAC and AMPAC:

3/29/76	MMPAC	\$5,000
9/30/76	MMPAC	\$2,000
10/1/76	AMPAC	\$3,000

Note: This contribution was originally \$5,000
but your committee's report discloses a \$2,000
contribution refund to AMPAC on 10/12/76

12/27/76	MMPAC	\$1,000
3/24/77	AMPAC	\$ 100

It is provided in 2 U.S.C. 441a(a)(5) that:

all contributions made by political committees established
or financed or maintained or controlled by any corporation . . . or

any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation...or any person, or by any group of such persons, shall be considered to have been made by a single political committee

This provision applies for purposes of the \$5,000 limit imposed by the Act upon contributions by a multicandidate committee to any candidate or his authorized political committee with respect to any election for Federal office. 2 U.S.C. 441a(a)(2)(A). Commission regulations further provide that contributions by "[a]ll of the political committees set up by a membership organization, including trade or professional associations...and/or by related State and local entities of that organization or group..." shall be considered made by a single committee, with the resultant application of the single contribution limit. 11 CFR 110.3(a).

The Commission has an ongoing interest and concern in the application of these statutory and regulatory provisions on affiliated committees to contributions made by, inter alia, MMPAC and AMPAC. The Commission is in the process of securing additional facts bearing on the issue of affiliation between those committees for purposes of 2 U.S.C. 441a(a). Thus, the Commission is clearly not in a position to issue an opinion concluding that it would be lawful under the Act and Commission regulations for your committee to accept contributions from MMPAC and AMPAC which exceed a combined total of \$5,000 with respect to each of your two (i.e., primary election and general election) 1976 campaigns. Nor may it issue such an opinion with respect to your 1978 campaign.

If the Commission determines that MMPAC and AMPAC are affiliated committees for purposes of sharing the same contribution limits under 2 U.S.C. 441a(a), your campaign committee will have to return the excessive 1976 contributions (\$1,100) and may be determined to be in violation of the Act. Your committee could presently regard the \$1,100 as 1978 contributions upon receiving written designations to that effect from the contributors, the designations being necessary only because the contributions have heretofore been treated as relating to the retirement of debts from a 1976 election. Amendments to your committee's past reports would also need to be made to disclose the \$1,100 contributions as made with respect to a 1978 election.

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