



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

January 11, 1978

AO 1977-66

Mr. Mark Edward Winter, Executive Secretary  
Title Industry Political Action Committee  
1828 L Street, N.W.  
Suite 705  
Washington, D.C. 20036

Dear Mr. Winter:

This responds to your letter of November 25, 1977, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and relevant regulations of the Commission to the proposal of Title Industry Political Action Committee ("TIPAC") to use the 1977 TIPAC contributor's list in its 1978 solicitation campaign.

Your letter indicates that TIPAC, a multi-candidate committee, has as its connected organization the American Land Title Association ("ALTA"), a trade association consisting of, *inter alia*, incorporated title underwriters, agents and abstractors engaged in the land title industry. TIPAC's Board of Trustees has organized a committee of State Advisory Trustees to assist in its solicitation program. TIPAC wishes to use its lists of 1977 contributors in conducting its 1978 solicitation campaign. The information on this list apparently duplicates information submitted on TIPAC's reports to the Commission filed under 2 U.S.C. 434. TIPAC requests clarification of the application to its proposal of the Act's prohibition against sale or use of any information copied from reports or statements filed with the Commission "for the purpose of soliciting contributions or for any commercial purpose." 2 U.S.C. 438(a)(4). See also 11 CFR 104.13.

The express legislative intent behind 2 U.S.C. 438(a)(4) is to protect the persons who make contributions, in this case to a multi-candidate committee, from victimization by the practice of list brokering or selling. 117 Cong. Record S 13282 (daily ed. August 5, 1971) [remarks of Sen. Bellmon, amendment sponsor]. Commission regulations reflect such congressional intent by prohibiting the commercial use of "any information copied, or otherwise obtained, from any report or statement . . . filed with the Commission . . . ." 11 CFR 104.13.

It is the opinion of the Commission that TIPAC's proposed use, through its duly appointed State Advisory Trustees, of its own contributor list does not fall within the prohibitive

scope of 438(a)(4) and the Commission's regulation at 11 CFR 104.13. The names of the contributors were not obtained from TIPAC's report to the Commission since TIPAC itself authored the report on the basis of its own information. Further, TIPAC's use of the list by its own agents solely and exclusively for its own solicitation program does not involve the sort of list brokering contemplated by the drafters of the Act or the regulations.

In advising you of this opinion, however, the Commission stresses that its conclusion in no way alleviates the impact on ALTA and TIPAC of the other statutory and regulatory directives that apply to trade association solicitation activity. See e.g., 2 U.S.C. 441b and 11 CFR 114.7, 114.8. TIPAC's permissible use in 1978 of its 1977 contributors list does not mean that all names appearing on that list are permissible solicitees. For example, apropos of the executive and administrative personnel of ALTA's member corporations, solicitation permission from the corporate member must be received yearly. 2 U.S.C. 441b(b)(4)(D). Other contributors whose names appear on the 1977 list may not be within the statutory class of permissible solicitees. Unless the Act expressly permits solicitation of each person whose name appears on the 1977 list, solicitation of them by ALTA, TIPAC or its State Advisory Trustees is prohibited by 2 U.S.C. 441b.

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)  
Joan D. Aikens  
Vice Chairman for the  
Federal Election Commission