



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 7, 1978

AO 1978-12

Mr. Burt Margolin  
222 Washington Avenue, Apt. 12  
Santa Monica, California 90403

Dear Mr. Margolin:

This refers to your letter of February 9, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the proposed formation of a multicandidate committee to be named Friends of Congressman Henry A. Waxman ("the Committee").

You explain that a group of "political activists in Los Angeles intend to form" the Committee to "participate in the 1978 elections." Congressman Waxman will assist in the fundraising efforts of the Committee and will "consult with us on which candidates should receive our committee's contributions." After the Committee qualifies under the Act as a multicandidate committee you say that it will make contributions to candidates for Federal office in amounts up to the \$5,000 limit per candidate, per election. 2 U.S.C. 441a(a)(2). You ask whether your proposal is "in full compliance with all existing Federal laws and regulations."

The advisory opinion procedure, as set forth in the Act (2 U.S.C. 437f) and the Commission's regulations at 11 CFR 112 (et seq.), is available for applying a general rule of law stated in the Act, or in a prescribed regulation, to a "specific factual situation." It may not be used to give blanket approval to a general proposal such as you describe. Your letter does, however raise a specific issue which may be treated in an advisory opinion; namely, whether the contribution limit applicable to persons contributing to the Committee is \$5,000 per year under 2 U.S.C. 441a(a)(1)(a) and (a)(2)(C) or \$1,000 per election (\$5,000 if the contributor is a multicandidate committee) under 2 U.S.C. 441a(a)(1)(A) and (a)(2)(A).

By their terms the \$1,000 or \$5,000 per candidate contribution limits of 441a(a)(1) and (2) apply to contributions "to any candidate and his authorized political committees with respect to any election . . ." The regulations of the Commission describe an authorized committee as:

a political committee which is empowered in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate . . . 11 CFR 100.14(b)(1)

Thus as long as Congressman Waxman does not give written authorization to the Committee, it will not be considered one of his authorized committees, and contributors to the Committee will not be regarded as making contributions with respect to congressman Waxman's 1978 House campaign. But see the regulations at 11 CFR 110.1(h) and 110.6. Assuming the Committee is not affiliated with Mr. Waxman's principal campaign committee, (See 2 U.S.C. 441a(a)(5) and the Commission's regulations at 11 CFR 110.3(a), copy enclosed.) persons may contribute up to \$5000 per calendar year to the Committees although contributions from individuals would be counted against their \$25,000 aggregate individual limit in 2 U.S.C. 441a(a)(3) and 11 CFR 110.5. The Committee, in turn, may contribute \$5,000 per election to any candidate for Federal office (including his or her authorized campaign committees) after it qualifies as a multi-candidate committee. See 2 U.S.C. 441a(a)(4) and 11 CFR 100.14(a)(3).

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

Enclosure