FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 2, 1978

AO 1978-19

Gerald R. Dillon
Treasurer
Fraser Senate Committee
500 South Third Street
Minneapolis, Minnesota 55415

Dear Mr. Dillon:

This refers to your letter of March 7, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to contributions made with respect to Congressman Fraser's campaign for the United States Senate for a term ending in 1984 and for a term ending in 1982.

Your letter explains that the Minnesota Fraser Committee ("Senate 1 committee") supported Mr. Fraser's Senate campaign in Minnesota for a Senate term ending in 1984 and that this committee has terminated with a final report filed February 23, 1978. The Fraser Senate Committee ("Senate 2 committee") was authorized on January 23, 1978, as the principal campaign committee for Mr. Fraser's Senate campaign for a Senate term ending in 1982. On behalf of the Senate 2 committee you ask whether 1978 contributions to the Senate 1 committee should be considered in determining whether an individual's contributions for calendar year 1978 have exceeded the aggregate amount of $100. 2 U.S.C. 434(b)(2).

You state your view that 1978 contributions to the Senate 2 committee should be regarded as separate and distinct from those made to the Senate 1 committee (now terminated) since the effort of the terminated Committee was a "separate effort for a different office." The Commission agrees that, for purposes of disclosure under 2 U.S.C. 434(b)(2), 1978 contributions to the now terminated Senate 1 committee need not be aggregated with those made to the "new" Senate 2 committee but only to the extent they were expended by Senate 1 and not included in any direct or indirect transfers made by the Senate 1 committee to the Senate 2 committee.[1]

The Act specifically permits, and exempts from contribution limits, the transfer of funds from the principal campaign committee of a candidate seeking one Federal office to the principal campaign committee of the same candidate who seeks another Federal office. 2 U.S.C.

[1] Contributions are deemed to be expended on a first received, first spent basis. See 11 CFR 110.3(a)(2)(v)(B)

441a(a)(5)(C). However, the transfer may be made only under certain conditions and the relevant contribution limits are applied to persons whose contributions to one committee are deemed to be included in the amount transferred to the other committee. Thus for purposes of applying both the $100 disclosure threshold of 434(b)(2) and the 441a contribution limits, all 1978 contributions to the Senate 1 committee (now terminated), which are included in any transfer to the Senate 2 committee, must be attributed to the original donors, and aggregated with 1978 contributions made by those same contributors directly to the Senate 2 committee. Commission regulations set forth the method to be used in identifying those persons whose contributions are regarded as comprising the amount transferred from the Senate 1 committee to the Senate 2 committee. 11 CFR 110.3(a)(2)(v).[2]

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

[2] In addition, for limitation purposes only, contributions in 1977 to Senate 1 which, by application of the regulation, are deemed to be included in the transfers made to Senate 2 must be aggregated with contributions made directly to Senate 2 by the same contributors.