



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 5, 1978

AO 1978-29

Honorable Ted Weiss
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Weiss:

This responds to your letter of May 5, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, an amended ("the Act") and Commission regulations.

Specifically you ask three questions:

1. If an authorized, non-principal campaign committee is formed, must this new committee file an FEC 1 with the principal campaign committee regardless of anticipated revenue and/or expenditures, and
2. Is the candidate required to file form FEC 2a with the Commission under circumstances above, and
3. Under circumstances as above, and additionally, when anticipated revenues in any calendar year are less than \$1000.00, must the non-principal committee file form FEC 3 with either the principal committee and/or the Commission.

In response to question 1, an authorized nonprincipal campaign committees is required to file a Statement of Organization (FEC Form 1) with the principal campaign committee of the authorizing candidate if the nonprincipal campaign committee is a "political committee" which receives contributions exceeding \$1,000 during a calendar year or makes expenditures exceeding \$1,000 during a calendar year. 2 U.S.C. 431(d). The principal campaign committee of a Congressional candidate then files a copy of the Statement with the Clerk of the House. 11 CFR 102.1. In addition, a committee that anticipates contributions or expenditures of the stated amounts is required to register (with the principal campaign committee) within 10 days of its organization or, if later, within 10 days after it has information indicating the anticipated level of activity as described above. 2 U.S.C. 433(a) and (e); see Commission regulations at 11 CFR 100.14(b)(1) and 102.1. It is significant that only principal campaign committees are required to

register and report regardless of the \$1,000 threshold otherwise applicable in determining if a "political committee" exists. 11 CFR 102.11(a).

Regarding question 2, Commission regulations at 11 CFR 101.2(b) state that Form 2a shall be filed when a candidate authorizes "any political committee other than a principal campaign committee . . . to accept contributions or make expenditures on behalf of that candidate." (Emphasis added) See also 11 CFR 102.17(a)(1). A candidate who authorizes a nonprincipal campaign committee is required to file an FEC Form 2a identifying the nonprincipal campaign committee if the nonprincipal committee is a "political committee" as discussed above.

Finally, in response to question 3, Commission regulations explain that each "authorized committee," shall file its reports with the authorizing candidate's principal campaign committee. 11 CFR 104.1(c)(4) and 104.2(a). By definition the term "authorized committee" means "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). An authorized nonprincipal campaign committee is required to file its FEC Form 3 with the principal campaign committee of the authorizing candidate if the nonprincipal committee is a "political committee" as discussed above. 2 U.S.C. 432(e)(2) and 434(a)(2); also see Commission regulation at 11 CFR 104.2(c) which requires pre-election reports to be filed directly in certain cases.

In stating the above conclusions, the Commission emphasizes that in the case of an authorized nonprincipal campaign committee which is not a "political committee" all contributions received and expenditures made are regarded as received and made by the authorizing candidate and his principal campaign committee. Thus that candidate, or the principal campaign committee if the candidate has requested a waiver of personal reporting pursuant to Commission regulation at 11 CFR 101.3, is required to maintain records and file reports relating to all transactions of the authorized nonprincipal campaign committee pursuant to 2 U.S.C. 432, 434. See also Parts 102, 103 and 104 of Commission regulations, in particular 11 CFR 102.8, 102.9, 103.3, and 104.2. Any bank depository used by the described nonprincipal campaign committee should be identified by the authorizing candidate on his FEC Form 2. The financing by the committee is attributed to the authorizing candidate of his principal campaign committee since, by virtue of the authorization, the purpose of any contribution or expenditure is to influence the nomination or election of the authorizing candidate. Moreover, 2 U.S.C. 434(b)(2) and (b)(9) require reporting of contributions "to or for" a candidate and expenditures "on behalf of" a candidate. A candidate-authorized nonprincipal campaign committee that receives contributions or makes expenditures is most assuredly doing so for and on behalf of the authorizing candidate even if it is not a "political committee" as defined in the Act.

This response constitutes an advisory opinion concerning 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
Chairman for the
Federal Election Commission