



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 3, 1978

AO 1978-41

Mr. Gerald B. Solomon  
Jerry Solomon for Congress Committee  
P.O. Box 4004  
Troy, New York 12180

Dear Mr. Solomon:

This responds to your letter of June 26, 1978, requesting written clarification of the Federal Election Campaign Act of 1971, as amended ("the Act"), regarding the maximum amount of contributions which may be made to your campaign for election" to the Congress of the United States.

Your letter states that you have received the endorsement of the Republican and Conservative Parties of New York and will run unopposed in the New York State primary election on September 12, 1978. You have incurred substantial campaign expenses to obtain these two endorsements without opposition and ask whether you may receive an individual contribution of \$1,000 earmarked for the primary election and an additional \$1,000 from the same individual with respect to the general election.

Your question is answered in the affirmative. The contribution limits in 2 U.S.C. 441a apply with respect to each election in which a congressional candidate seeks nomination or election. 2 U.S.C. 441a(a)(6). Regulations of the Commission further explain that an election in which a candidate is unopposed is a separate election and if a primary election is unnecessary because a candidate is unopposed, the date on which that primary would have been held is deemed to be the date of the primary for purposes of the contribution limits. See 11 CFR 110.1(j). Thus as a candidate for nomination and a candidate for the general election you may receive \$1,000 with respect to the primary and \$1,000 with respect to the general election from the same individual assuming that individual has not exhausted his or her annual aggregate limitation of \$25,000. 2 U.S.C. 441a(a)(3).

Commission regulations further provide that, as a general rule, contributions not designated in writing for a particular election are regarded as made with respect to a primary election if made on or before the date of that primary election - in your case September 12, 1978. Contributions made after the date of the primary election are considered as made for the general

election. 11 CFR 110.1(a)(2). The Commission notes that under 101.2(d) of the regulations, a candidate may receive contributions designated for the general election prior to the date of his or her primary election. Although not specifically raised by your opinion, request, the Commission points out that your campaign committee is required to file pre- and post-election reports with respect to the September 12 primary should your name appear on the ballot. You would in that event become a participant in the primary election even if there is no other candidate listed on the ballot in opposition to you.

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  
Chairman for the  
Federal Election Commission