



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 20, 1978

AO 1978-69

Elmer F. Link, Treasurer
Melcher for Senate Committee
2822 Third Avenue North, Room 1125
Billings, Montana 59103

Dear Mr. Link:

This is in response to your letter of August 21, 1978, requesting an advisory opinion on behalf of the Melcher for Senate Committee ("the Committee") concerning the Committee's continued functioning under the Federal Election Campaign Act of 1971, as amended ("the Act").

Your letter states that the Committee, organized prior to the 1976 Senate campaign as Senator John Melcher's principal campaign committee, wishes to continue functioning as such a committee through the Senator's 1982 reelection campaign. You note that the Committee will probably receive some contributions and make some expenditures* during this period. Reports filed by the Committee indicate that it had sufficient funds on hand on January 1, 1977 to fully satisfy all debts and obligations the Committee incurred with respect to the 1976 campaign. You ask whether the Committee may continue to function as "an election committee" with proper reports filed with the Secretary of the Senate as required by the Act. The Commission answers this question in the affirmative.

The Act and the Commission's regulations permit the Committee to continue receiving contributions and making expenditures or disbursements as an ongoing entity, subject to all applicable provisions of the Act and Commission regulations. Your letter states that you would be the only officer of the Committee until 1982. However, the Act requires all political committees to have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer. 2 U.S.C. 432(a).

Since the Committee expects to receive contributions and make expenditures on behalf of Senator Melcher, the Commission notes that upon the Committee's receipt of a contribution, as

* You state that the Committee is presently contemplating donations to the Montana State Democratic Committee, as well as financing publications on the Senator's "record."

defined in the Act, Senator Melcher would become a "candidate" with respect to a 1982 primary or general election. As a candidate he is required to file a statement of candidacy (FEC Form 2 or letter with same information) under 101.2 of the Commission's regulations. See 2 U.S.C. 431(b), and 11 CFR 100.2; see also Advisory Opinion 1977-11, copy enclosed. The Committee would also be required to amend its Statement of Organization to indicate that it is functioning as Senator Melcher's principal campaign committee for the 1982 primary and general election campaign. See 2 U.S.C. 433(b)(6) and 11 CFR 102.3. Further, the Commission concludes that contributions to the Committee during the period from January 1977 until the 1982 Montana Democratic primary are considered contributions for the primary for purposes of the contribution limits set forth at 2 U.S.C. 441a and 11 CFR 110.

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

Enclosure