



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

May 14, 1979

CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-14

Mr. H. K. Hawkins  
State Chairman  
American Party of Georgia  
P.O. Box 428  
Riverdale, Georgia 30274

Dear Mr. Hawkins:

This is in response to your letter of March 5, 1979, requesting an advisory opinion on behalf of the American Party of Georgia concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the registration and reporting of the American Party of Georgia. Specifically, you ask whether or not the American Party of Georgia is subject to the registration and reporting requirements of the Act.

The American Party (National) is registered and reporting as a political committee with the Commission. It appears that the National does not maintain separate federal and nonfederal accounts, but rather has opted, pursuant to 11 CFR 102.6(b)(2), to establish a single committee with a single account. A review of reports\* filed with the Commission indicates that the American Party National received funds in excess of \$1,000 from the American Party of Georgia in both 1977 and 1978.

The Act defines "political committee" to mean, in part, any committee or association which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000. 2 U.S.C. 431(d). A "contribution" includes funds received by one political committee which are transferred to such committee from another political committee or other source. 2 U.S.C. 431(e)(3). An "expenditure" includes the transfer of funds by a political committee to another political committee. 2 U.S.C. 431(f)(3).

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\* Year end reports filed by the American party show receipts of \$1,666 from the American Party of Georgia in 1977 and \$1,225 in 1978. A report filed by the American Party of Georgia for 1977 indicates expenditures of \$1,666 to the American Party in that year.

The Commission has previously held that where a State Party is a "political committee" under the Act and maintains a single account for the purpose of making contributions to or expenditures on behalf of both Federal and nonFederal candidates, any district committee which transfers in excess of \$1,000 to the State Party in any calendar year would qualify as a political committee subject to registration and reporting under the Act. See Advisory Opinion 1978-91, copy enclosed.

Your request presents an analogous situation. Hence the Commission concludes that since the American Party National is a political committee with a single account, if the American Party of Georgia transfers to the American Party National in excess of \$1,000 in any calendar year, the Georgia committee qualifies as a political committee and is subject to the registration and reporting requirements of the Act. See 2 U.S.C. 433 and 434. If as you suggest in your letter, the American Party National has not met the definition of a "political committee" required to register and report under the Act, it could officially terminate its reporting status pursuant to 102.4 of Commission regulations. In the event that the American Party National is not required to be registered and thus terminates, funds transferred by the American Party of Georgia to the American Party National after such termination would not thereafter create "political committee" status for the Georgia committee.

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