



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 27, 1979

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-32

Mr. Eugene R. Hoyer
Hoyer and Sergent
22 Capitol Street
Charleston, West Virginia 25301

Dear Mr. Hoyer:

This is in response to your letter of May 30, 1979 on behalf of the Kanawha County Democratic Executive Committee ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") to the Committee's filing obligations with the Commission.

Your letter states that you "found that it would be necessary for me to file with your Commission after the election in 1978."* You add that all of your accounting procedures in 1978 were geared toward filing a state report pursuant to West Virginia statutes which is on file in the Office of the Clerk of the County Commission of Kanawha County, and that it would be very time consuming for you to re-structure all of the financial data from the 1973 general election so that it could be submitted on appropriate forms prescribed by the Commission. You ask whether under these circumstances you may be permitted to file your state report with the Commission in satisfaction of your 1978 filing obligations.

Under the Act each treasurer of a political committee supporting a candidate or candidates for Federal office shall file with the Commission reports of receipts and expenditures

* The state reports you have provided to the Commission show that the Committee received a total of \$6,700 from two Federal campaign committees as apparent reimbursement for joint fundraising and get out the vote (GOTV) activity conducted by the Committee. Thus it is clear that the Committee had expenditures in excess of the \$1,000 threshold requiring it to file as a "political committee" under the Act. 2 U.S.C. 431(d). See also Part 106 of the Commission's regulations, and Advisory Opinion 1978-28, copy enclosed.

on forms to be prescribed or approved by the Commission. 2 U.S.C. 434(a)(1). Commission regulations go on to state that "each report filed by a political committee or candidate under this part shall be on FEC Form 3." 11 CFR 104.2. Such reports must disclose, among other things, the full name and mailing address, occupation and principal place of business of each person who has made contributions to the Committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions, 2 U.S.C. 434(b).

After reviewing the state reports you have submitted, the Commission concludes that submission of those reports does not satisfy the Committee's reporting requirements under 434 of the Act since they fail to provide required information such as the mailing address, occupation, and principal place of business of contributors to the Committee. In order to satisfy those requirements, the Committee is required to submit information regarding the Committee's contributions and expenditures on the appropriate FEC Forms. The specific disclosure provisions are contained primarily in 2 U.S.C. 434(b) and 104.2 of Commission regulations.

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)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosure