



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 11, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-68

Mr. Arnold Kanter
Cherry, Flynn & Kanter
One IBM Plaza
Chicago, Illinois 60611

Dear Mr. Kanter:

This responds to your letter of November 15, 1979, on behalf of the Illinois Medical Political Action Committee ("IMPAC") requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the solicitation and transfer of funds by IMPAC.

IMPAC is a separate segregated fund established by the Illinois State Medical Society ("ISMS"). ISMS is a "constituent association" of the American Medical Association ("AMA") primarily composed of physicians who reside in Illinois, and is incorporated under Illinois law. Your request letter states that IMPAC is affiliated with the American Medical Political Action Committee ("AMPAC"), the political committee of the American Medical Association. Your letter also refers to the conciliation agreement entered into by IMPAC and the Commission on November 20, 1979, pursuant to which IMPAC has filed a statement of organization with the Commission which identifies AMPAC by name and address pursuant to 2 U.S.C. 433(b)(2) and 11 CFR 102.2.

You state that IMPAC wishes to solicit contributions using a solicitation notice which is combined with an annual dues statement for ISMS and AMA. A copy of the notice was included in your request, and it discloses:

- 1) that a \$45 contribution is a suggested amount and that contributions are not limited to the suggested amount;
- 2) that a voluntary contribution provides for membership in IMPAC;

- 3) that contributions will be used to support both State and Federal candidates in Illinois and candidates for Federal office elsewhere through AMPAC; and
- 4) that copies of IMPAC and AMPAC reports are on file and available for purchase from the Commission.

Under these circumstances you ask whether IMPAC may use the above-described solicitation notice, and whether IMPAC, in light of its affiliated relationship with AMPAC, may make unlimited transfers of funds to AMPAC.

Under the Act, an incorporated membership organization, or a separate segregated fund established by such a membership organization, may solicit contributions to its separate segregated fund only from members of the organization. 2 U.S.C. 441b(b)(4)(C), 11 CFR 114.7. Accordingly, the Commission concludes that so long as IMPAC only solicits members of ISMS, nothing in the Act or Commission regulations precludes IMPAC from utilizing the solicitation notice described in your request.

Your second question asks whether IMPAC may make unlimited transfers of funds to AMPAC. Because IMPAC and AMPAC are affiliated committees, contributions made by or to IMPAC and AMPAC are considered under the Act to have been made by or to a single political committee. 2 U.S.C. 441a(a)(5). Therefore, the transfers of funds between IMPAC and AMPAC are intra-committee transactions, and consequently such transfers would not be subject to limitation under 2 U.S.C. 441a and Part 110 of the regulations. See Advisory Opinion 1977-21, copy enclosed. However, IMPAC and AMPAC each retain their separate identity for disclosure purposes; the reports of each are required to reflect, among other things, transfers made and transfers received. See 2 U.S.C. 434(b).

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. 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosure (AO 1977-21)