



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 19, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-145

Meg Bruce, Deputy Treasurer  
Frey for Senate Campaign  
Coopers & Lybrand  
The Hartford Building  
Orlando, Florida 32801

Dear Ms. Bruce:

This is in response to your letter of December 18, 1980, as supplemented by your letter of February 16, 1981, requesting an advisory opinion concerning application of the Federal Election Campaign Act, as amended ("the Act") and Commission regulations to a fundraising letter mailed on behalf of the Frey for Senate Committee ("the Committee") and contributions received therefrom.

According to your letters, Lou Frey initiated, paid for, and authorized a fundraising letter using Congressman Bill Young's letterhead and signature. The mailing was done by Mr. Frey, and the letter solicited contributions to retire the debts of the Frey Committee. The individual recipients of the mailing were selected by Mr. Frey from mailing lists used during his 1980 primary campaign for the Senate. Contributions were sent to the Committee post office box and postage was paid by the Committee. The total cost of the mailing was approximately \$200.

Your request asks two questions. The first is whether such a fundraising mailing complies with the Act and Commission regulations. The second question is whether contributions raised through this mailing may be accepted by the Committee.

The Commission is of the opinion that the fundraising mailing complies with the requirements of the Act and regulations, and contributions received in response to the mailing may be accepted by the Committee.

The Act requires that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified

candidate, or solicits any contribution through direct mail or any other type of general political advertising, such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. 441d(a)(1). The mailing sent out to solicit contributions to the Frey for Senate Committee is such a mailing. It is a solicitation which, although signed by Congressman Young, was paid for and authorized by Lou Frey. Thus, a sponsorship statement is required to be on the mailing. The statement "Paid for by the Frey for Senate Committee" is on the contributor card which, according to your letter of February 16, 1981, was enclosed with the letter in the solicitation mailing.

Commission regulations, specifically 110.11(a)(1) which elaborates on 441d, require that the sponsorship statement appear in a clear and conspicuous manner to give the reader adequate notice of the identity of persons who paid for or authorized the communication. Such statement is not, however, required to be placed on the front face or page of the material soliciting contributions. Since in this case the entire package, that is the letter, contributor card and return envelope, comprises the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of 441d and the regulations are satisfied. Thus, the fundraising mailing complies with the Act and Commission regulations.

Since the mailing complies with the requirements of the Act and regulations, contributions raised through this mailing may be accepted and used by the Committee for debt retirement. Of course, all contributions are subject to the contribution limits set out in 2 U.S.C. 441a and Part 110 of the Commission regulations as well as all other prohibitions of the Act. See 2 U.S.C. 441b, 441c, 441e, 441f, and 441g. Specifically, 11 CFR 110.1(g) states that contributions made to retire debts are subject to the limitations of Part 110. Thus, the individuals making these contributions are subject to a \$1,000 primary election limit which includes pre-election and debt retirement contributions.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity described by your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

John Warren McGarry  
Chairman for the  
Federal Election Commission