



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-43

Mr. Martin Frost
1319 Oak Cliff Bank Tower
400 South Zang Boulevard
Dallas, Texas 75208

Dear Congressman Frost:

This responds to your letter of April 11, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the reporting of an outstanding 1974 campaign debt.

According to your letter, you were a candidate for Federal office in 1974. Due to outstanding debts of the 1974 Martin Frost campaign, you have been filing quarterly reports for that campaign. You are currently a candidate seeking reelection to the House of Representatives in the 1980 election. In light of the 1979 Amendments, you ask for instruction as to how the 1974 debt should be reported.

The Commission has previously stated that a candidate's 1974 and 1976 campaign committees could transfer their debts and obligations to that same candidate's 1978 campaign committee once transferred, the 1974 and 1976 committees could terminate and their reporting obligations would end. All further reporting of the debt would be done by the 1978 committee. See Advisory Opinion 1977-52, copy enclosed. Although you, as the candidate, have been filing regular quarterly reports due to debts and obligations incurred for your 1974 primary election, the situation you present is similar. Thus, the obligations stemming from the 1974 election could be consolidated with your current 1980 campaign committee. If this were done itemized contribution schedules (Schedule A) separately identifying the contributions for the 1974 debt and 1980 campaign would need to be filed by the 1980 campaign committee. In addition, the 1980 committee would need to file a separate debt schedule (Schedule C) identifying the 1974 debts.

The Act does not, however, require consolidation. If you and your current committee, in your discretion, opt not to consolidate, you should continue to file reports as a 1974 candidate until the debts are extinguished. 11 CFR 104.3(d) and 104.11. These reports would be filed on a semi-annual basis. 2 U.S.C. 434(a)(2)(B) and 11 CFR 104.5(a)(2).

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

Sincerely yours,

(signed)

Max L. Friedersdorf
Chairman for the
Federal Election Commission

Enclosure