



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-54

Robert P. McLeod
301 Hudson Lane
Monroe, Louisiana 71201

Dear Mr. McLeod:

This responds to your letter of April 30, 1980, requesting an advisory opinion on behalf of the First National Bank of West Monroe ("the Bank") concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the making of political contributions by a national bank.

Your letter states that the Bank is chartered as a national banking corporation and that it has received materials soliciting a contribution to the Louisiana Political Action Council ("LAPAC"). According to the materials submitted with your request, LAPAC is an organization which supports selected candidates running for state office in Louisiana. You ask whether a contribution to LAPAC by the bank would be in violation of 2 U.S.C. 441b.

As provided in 441b(a), a national bank is prohibited from making a "contribution or expenditure in connection with any election [including a primary, convention, or caucus] to any political office." Commission regulations at 11 CFR 114.2(a) state that "any political office" includes any local, state or Federal office. Further, "contribution or expenditure" is defined by 2 U.S.C. 441b(b)(2) to include:

any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section.

The Commission concludes that the Bank, as a national bank, is prohibited under the Act from contributing bank funds to LAPAC since a donation to LAPAC would constitute a "contribution... in connection with any election" as defined by the above sections. This is true even though under the facts presented the Bank would not be contributing directly to candidates but instead to a political action committee. In earlier advisory opinions, the Commission has recognized that the prohibition against contributions by national banks extends to donations made to political action committees, including those which support only candidates for State or local office. See, Advisory Opinions 1976-19 and 1979-17 (copies enclosed).

Accordingly; the Commission concludes that the Bank may not contribute to LAPAC or to any other political committee in connection with any election to any Federal, State or local office.

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