



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 11, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-80

Mr. Roger Short
Barrow, Aldridge & Co.
750 David Whitney Building
Detroit, Michigan 48226

Dear Mr. Short:

This responds to your letter of June 26, 1980 requesting an advisory opinion on behalf of Mr. George W. Crockett, a candidate for election in the 13th Congressional District of Michigan, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") to the formation of a principal campaign committee by Mr. Crockett.

Your letter states that you have established a principal campaign committee for Mr. Crockett for the upcoming August 5, 1980 Democratic primary election for the 13th Congressional District of Michigan. You add that due to the resignation of the incumbent congressman for that District, a special election will also be held on August 5 to fill the vacant seat for the remainder of the Congressional term, and that Mr. Crockett is also entered as a candidate for that special election. You state that no funds have or will be raised specifically for this special election. Under these circumstances you ask whether Mr. Crockett is required to designate a separate principal campaign committee for the special election.

Under the Act each candidate for Federal office (other than the nominee for the Office of Vice President) is required to designate in writing a political committee to serve as the principal campaign committee of such candidate. 2 U.S.C. 432(e)(1) and 11 CFR 102.12. Where a candidate is running "for more than one Federal office" that candidate is required to designate separate principal campaign committees and establish completely separate campaign organizations. 11 CFR 110.8(d)(1). See also Advisory Opinion 1975-11, copy enclosed. The term "Federal office" is defined as "the office of President or Vice President or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. 431(3).

The quoted definition uses the word "office," but makes no reference to the term during which the office is held. Mr. Crockett's candidacy for the unexpired term of office created by the incumbent's resignation and his concurrent candidacy for election to a separate term of office beginning in January 1981 do not mean that Mr. Crockett is running "for more than one Federal office." Therefore 110.8(d)(1) of the Commission's regulations is inapplicable here since Mr. Crockett is running for the same office (i.e., Representative in Congress for the 13th Congressional District of Michigan), albeit for separate terms of that office. Accordingly, the Commission concludes that the principal campaign committee previously established and authorized by Mr. Crockett, to receive contributions and make expenditures may function as such for both special and primary elections. Thus Mr. Crockett would not be required to establish a second principal campaign committee for the special election.

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 (AO 1975-11)