



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 28, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-84

Mr. G. William Fowler  
Treasurer  
Richard C. White Congressional Club of the Permian Basin  
P.O. Box 4961  
Odessa, Texas 79760

Dear Mr. Fowler:

This responds to your letter of July 7, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the continued use of your committee's former name on printed stationery and a previously established checking account.

According to your request, prior to the enactment of the 1979 Amendments to the Act the Richard C. White Congressional Club of the Permian Basin ("the Committee") was known as the Congressional Club of the Permian Basin. Upon passage of the Amendments, the Committee changed its name to include the candidate's name in order to comply with the requirements contained therein. You explain that you have a supply of stationery bearing this former name, as well as an established checking account. You ask if your Committee may continue legally to use this stationery and checking account.

According to Commission records, the Committee has been authorized by Richard C. White, who is the Congressman from the 16th Congressional District of Texas and is seeking reelection. See 2 U.S.C. 432(e)(1) and Commission regulations 100.5(f). Under the Act and Commission regulations, specifically 432(e)(4) and 11 CFR 102.14(a) respectively: "The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee such political committee shall not include the name of any candidate in its name." 11 CFR 102.14(a) reiterates the statutory language by stating the requirement of including the authorizing candidate's name in the authorized committee's name.

The Act and regulations assume that the name of an authorized committee is to be used in its statement of organization (2 U.S.C. 433), on all reports filed by the committee (2 U.S.C. 434), and in any situation where 2 U.S.C. 441d would require identification of the committee. Therefore, if the authorized committee solicits contributions from the general public by direct mail, it may use the leftover stationery but is required to include a statement of sponsorship that gives the full official name of the Committee.

If the Committee's old stationery is used to convey a communication expressly advocating the election or defeat of a clearly identified candidate through any direct mailing to the general public it must identify the authorized committee in some manner by its official name: The Richard C. White Congressional Club of the Permian Basin. The Committee could use the leftover stationery, include the new name, and print the disclaimer in that place or at the bottom of the page.

2 U.S.C. 441d(a)(1) provides in part that the solicitation of contributions through direct mailing, "if paid for and authorized by a candidate, an authorized political committee of an candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee..."

Other uses of the stationery that are not subject to 2 U.S.C. 441d could be made without need to include the new official committee name. The use of, and the name under which a checking account is established, is not subject to 2 U.S.C. 441d. Campaign depositories of the authorized committee must, of course, be identified on the Committee's Statement of Organization under 2 U.S.C. 433(b)(6).

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

Sincerely yours,

(signed)

Max L. Friedersdorf  
Chairman for the  
Federal Election Commission