



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 26, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-98

Ms. Linda Friedman  
Bradley, Arant, Rose & White  
1500 Brown - Marx Building  
Birmingham, Alabama 35203

Dear Ms. Friedman:

This responds to your letter of August 14, 1980, requesting an advisory opinion on behalf of Birmingham Trust National Bank Committee for Good Government, ("the Committee"), a separate segregated fund, concerning application of the Federal Election Campaign Act of 1971, as amended, ("the Act") and Commission regulations to a name change by the committee.

According to your letter, the Committee is a separate segregated fund of Birmingham Trust National Bank. You state that the Committee was established in 1977 by Birmingham Trust National Bank, a national banking association, under the name Southern Committee for Good Government. You state that membership was made available to officers of Birmingham Trust National Bank ("BTNB"), Southern Bancorporation of Alabama (the holding company which owns all of the stock of BTNB), Southern Data Services, Inc. (a subsidiary of Southern Bancorporation of Alabama), and Birmingham Trust National Bank's subsidiaries. Your letter states that in 1978 and in 1980, membership was expanded and now includes directors and employees of Birmingham Trust National Bank and the other named corporations.

According to your letter, the Committee By-Laws permit solicitation of Birmingham Trust National Bank employees and of executive and administrative personnel and director-shareholders of Birmingham Trust National Bank, Birmingham Trust National Bank subsidiaries, Southern Bancorporation of Alabama and Southern Data Services, Inc. You state that to the extent any legal fees have been incurred by the Committee in connection with its establishment, administration or compliance with applicable laws, the fees have been billed to and paid for by Birmingham Trust National Bank.

You explain in your letter, that to comply with recent amendments to the Act, the Committee has changed its name to Birmingham Trust National Bank Committee for Good Government. You also state that the acronym is BTNB Committee for Good Government. You ask whether the Committee's name complies with recent amendments to the Act and, specifically, whether the Committee's name must include the names of any affiliated corporation of Birmingham Trust National Bank.

The Commission concludes that the name Birmingham Trust National Bank Committee for Good Government complies with recent amendments to the Federal Election Campaign Act of 1971. The present Act and Commission regulations require that "[t]he name of any separate segregated fund established pursuant to 441b(b) shall include the name of its connected organization." 2 U.S.C. 432(e)(5); 11 CFR 102.14(c). Connected organization is defined in 2 U.S.C. 431(7) as "... any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee." (emphasis added) 11 CFR 100.6(a) and (c). Birmingham Trust National Bank has been billed and has paid the legal fees in connection with the establishment and administration of the committee. As noted by the committee, 11 CFR 102.14(c) states that "... a separate segregated fund established by a subsidiary need not include in its name the name of its parent or another subsidiary of its parent." Therefore, the official name Birmingham Trust National Bank Committee for Good Government is in compliance with 2 U.S.C. 432(e)(5), as the name of the Committee contains within it the required name of the connected corporation which established it.

While not raised directly, in the advisory opinion request, two other issues deserve brief examination. The first issue is the use of the acronym BTNB Committee for Good Government. As mentioned above, 2 U.S.C. 432(e)(5) requires that the names of separate segregated funds established pursuant to 2 U.S.C. 441b(b) must include within it the name of the connected organization. This provision does not prohibit the use of abbreviations or acronyms so long as the official name of the separate segregated fund is used on all disclosure statements required by 2 U.S.C. 441d and all reports filed under 2 U.S.C. 434. See 2 U.S.C. 432(e)(5); 11 CFR 102.14(c)<sup>1</sup> However, 11 CFR 102.14(c) provides that only a "clearly recognized abbreviation or acronym by which the connected organization is commonly known" may be used by a separate segregated fund. See AOs 1980-10, 23 and 86, (copies enclosed). Since the abbreviation BTNB does not appear to be a clearly recognized abbreviation, and it does not afford adequate notice of the sponsorship of Birmingham Trust National Bank, the committee may not continue to use it without providing language which clearly identifies the Bank.

Finally, the By-Laws as stated in the advisory opinion request raise the question of improper solicitation of certain individuals to the Birmingham Trust National Bank Good Government Fund. 2 U.S.C. 441b(b)(4)(A)(i) makes lawful the solicitation of stockholders, executive and administrative personnel and their families by the separate segregated fund of the corporation. 11 CFR 114.5(g)(1) elaborates on the solicitation limitations of this section, stating that "A corporation may solicit the executive or administrative personnel of its subsidiaries, branches, divisions and affiliates and their families." See Advisory Opinions 1979-44 and 1978-75. Other employees are provided for under 2 U.S.C. 441b(b) (4) (B), which permits a corporate separate segregated fund "... to make 2 written solicitations for contribution during the calendar

---

<sup>1</sup> See also H.R. Rep. No. 422, 96th Cong. 1st Sess. 13 (1979).

year from any ... employee of a corporation or the families of such persons...." See 11 CFR 114.6(a).

Therefore, in soliciting employees who are not executive or administrative personnel, the separate segregated fund of the corporation is limited to twice yearly written solicitations for such employees. Solicitation of employees, by Birmingham Trust National Bank who are neither executive nor administrative personnel may be done only as provided in 2 U.S.C. 441b(b)(4) and 11 CFR 114.6.

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

Enclosures (AOs 1979-44, 1978-75, 1980-10, 1980-23, 1980-86)