



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 26, 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-11

Gerald M. Brassard, D.C.  
425 North 4th Street  
Beaumont, Texas 77701

Dear Mr. Brassard:

This responds to your letter of February 19, 1982, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the utilization of a combined dues/political contribution plan.

Your letter states that the American Chiropractic Association Political Action Committee ("the Committee") desires to institute a voluntary check-off to the Committee on the American Chiropractic Association<sup>1</sup> ("ACA") dues statement. The dues statement goes only to ACA members. You note that the ACA dues statement is a computerized form, and that the voluntary check-off would be accomplished with the following statement:

"ACA-PAC collects contributions from members for its political activities. These are voluntary and refusal does not affect a member's rights. A quarterly contribution of \$25.00 is suggested (\$100.00 yearly). Corporate donations to ACA-PAC are prohibited."

Additionally, on the left-hand side of the dues statement will be a line reading "\$\_\_\_\_ voluntary ACA-PAC contribution." You assert that this plan will allow individual members of the ACA to voluntarily designate contributions to the Committee, and note that you specifically mention that corporate contributions are a violation of the law. You add that no portion of a contributing

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<sup>1</sup> By a supplemental letter dated March 2, 1982 you confirmed that the American Chiropractic Association is a non-profit incorporated professional association.

member's dues will be used as his or her contribution to the Committee. You ask whether the described check-off plan is permissible under the Act and Commission regulations.

As you indicated in your request, it is unlawful under the Act for a corporation to make any contribution or expenditure in connection with a Federal election. 2 U.S.C. 441b. While corporate contributions are prohibited under the Act, the Commission has previously concluded that combined dues payment/political contribution plans are not violative of that prohibition. See Advisory Opinions 1981-4, 1978-42, and 1979-19, copies enclosed. The situation presented here is materially indistinguishable from those considered in the earlier opinions. Compare e.g., AO 1981-4; and see 2 U.S.C. 437f(c)(1)(B). It is the opinion of the Commission, therefore, that the combined dues payment/political contribution plan described in your request is permissible under the Act.

In concluding that the plan is permissible under the Act, there are several assumptions upon which approval is expressly conditioned. First, no portion of a contributing member's dues (payable to ACA) may be used directly or indirectly, as his or her contribution. See Advisory Opinion 1980-44, copy enclosed. Secondly, if any individual member of the Association conducts his or her professional practice as a corporation, then the combined dues payment and political contribution from that member must be drawn on an individual account or on a non-repayable drawing account which the individual maintains with the corporation. Finally, when an employee or agent of ACA receives a combined dues payment and political contribution, the political contribution portion must be separated and forwarded for recording and deposit pursuant to the timely transmittal provisions of 2 U.S.C. 432(b)(2) and Commission regulations at 11 CFR 102.8(b).

With respect to the statement that ACA proposes to use on the computerized form, the Commission notes that its regulations provide that where, as here, a guideline for contributions is used, the corporation or labor organization which suggests the guideline must inform the persons being solicited that the guidelines are merely suggestions, and that the individual is free to contribute more or less than the guidelines suggest, and that the corporation or labor organization will not favor or disadvantage anyone by reason of the amount of their contribution or their decision not to contribute. See 11 CFR 114.5(a)(2). The Commission is of the opinion that the statement which ACA proposes to use on the computerized form would be acceptable if revised to inform the individual member that he or she may contribute more or less than the suggested amount.<sup>2</sup>

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<sup>2</sup> An example of how the ACA statement might accomplish this would be: "ACA-PAC collects contributions from members for its political activities. These are voluntary and refusal does not affect a member's rights. A quarterly contribution of \$25.00 is suggested (\$100.00 yearly). A member may give more or less than this amount. Corporate donations to ACA-PAC are prohibited."

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)

Frank P. Reiche  
Chairman for the  
Federal Election Commission

Enclosures (AOs 1981-4, 1980-44, 1979-19 and 1978-42)