



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 14, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-32

Jay B. Myerson
Israel and Raley, P.C.
1015 18th Street, N.W.
Suite 201
Washington, D.C. 20036

Dear Mr. Myerson:

This responds to your letter of April 10, 1982, requesting an advisory opinion on behalf of the Jackson Can Win (Draft) Committee ("the Committee") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the Committee's status as a multi-candidate committee.

The Committee originally registered and filed a statement of organization with the Commission on August 8, 1980 as an unauthorized draft committee to draft Senator Jackson as a presidential candidate for the 1980 election. On April 1, 1982 the Committee filed an amended statement of organization notifying the Commission that it supports or opposes more than one Federal candidate and is not a separate segregated fund nor a party committee. You ask whether the Committee would now qualify as a multi-candidate political committee and thus be permitted to contribute a maximum of \$5,000 per election to a candidate for Federal office.

In order to qualify as a multi-candidate committee, a committee must register with the Commission, the Clerk of the House, or Secretary of the Senate for at least six months, receive contributions for Federal elections from more than fifty persons and make contributions to five or more Federal candidates. 2 U.S.C. 441a(a)(4) and 11 CFR 100.5(e)(3). The Committee has both received and made the requisite number of contributions. Although the Committee originally registered as a single candidate unauthorized draft committee, the Commission has held that the six month waiting period begins at the time a committee files a statement of organization; not when a committee declares itself as supporting more than one Federal candidate. See Advisory Opinion 1978-86, copy enclosed. As the Committee originally

registered in 1980, it has been in existence for more than six months for purposes of qualifying as a multi-candidate committee. Thus, the committee qualifies as a multi-candidate committee.

Under the Act and Commission's regulations a multi-candidate committee may contribute up to \$5,000 per Federal candidate, per election. 2 U.S.C. 441a(a)(2) and 11 CFR 110.2.

Consequently, as a qualified multi-candidate committee, the Committee may contribute a maximum of \$5,000 with respect to Senator Jackson's 1982 primary election and an additional \$5,000 with respect to his general election since the primary and general elections are two separate elections. 2 U.S.C. 441a(a)(6), 11 CFR 110.1(a)(2).

As previously discussed, the Commission has received the Committee's April 1, 1982 amendment to its Statement of Organization. The Committee, however, must further amend its statement and change the name of the Committee so that Senator Jackson's name no longer is part of the Committee's name, since Senator Jackson is a candidate for the Senate in 1982. The Act, 2 U.S.C. 432(e)(4), and Commission regulations, at 11 CFR 102.14(a), prohibit an unauthorized committee from including the name of any candidate in its name.

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 by your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

Frank P. Reiche
Chairman for the Federal Election Commission

Enclosures (AO 1978-86)