



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CONCURRING OPINION IN ADVISORY OPINION 1982-35

of

COMMISSIONER THOMAS E. HARRIS

I concur with the result in Advisory Opinion 1982-35, because I believe that it should be consistent with the opinions the Commission has issued to the effect that donations to defray litigation costs related to state reapportionment plans are not contributions under the Act.

I do not, however, see any rational distinction between the proposed litigation by Mr. Hopfman to establish his right to participate in his party's primary election and the litigation proposed by Congressman Gonzalez in Advisory Opinion Request 1980-57. In Advisory Opinion 1980-57 the Commission ruled that donations to challenge an opponent's nominating petition were contributions under the Act. The rationale in that opinion - that litigation conducted before an election to keep an opponent off the ballot was an effort to influence a federal election - could equally well be applied to this case. Therefore, I believe that in approving Advisory Opinion 1982-35, the Commission should overrule Advisory Opinion 1980-57.