



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

May 27, 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-37

The Honorable Don Edwards  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Edwards:

This responds to your letter of May 11, 1982, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the payment of legal expenses relating to reapportionment issues.

Your letter states that Democratic Members of Congress from California have found it necessary to hire attorneys to defend various lawsuits in California which seek to overturn the Congressional redistricting plan adopted by the State legislature and signed by the Governor. You add that this action has resulted in significant legal fees. You ask whether donations made to individual Members of Congress from California for the purpose of defraying legal expenses relating to reapportionment would be subject to any contribution limitations under the Act. The Commission answers this in the negative.

Under the Act, the term "contribution" includes "any gift, subscription, loan, advance, or deposit of money, or anything of value made by any person for the purpose of influencing any election to Federal office..." 2 U.S.C. 431(8). The influencing of Federal elections by persons and organizations is regulated by the Act and the Commission's regulations. The influencing of the reapportionment decisions of a state legislature, although a political process, is not considered election-influencing activity subject to the requirements of the Act. Advisory Opinions 1982-14, and 1981-35. Similarly, the financing of litigation which relates to reapportionment decisions made by the state legislature is not viewed as election-influencing under the Act and Commission regulations. See Advisory Opinions 1982-14 and 1981-35, and compare Advisory Opinion 1980-57. Accordingly, based upon your representations that these donations will be used solely to finance reapportionment-related activity, the Commission concludes that donations made for this purpose do not constitute contributions and expenditures under the Act. This conclusion is conditioned on the strict segregation of any donations received for the purpose

of reapportionment related activity and contributions otherwise received by you or your authorized campaign committee to finance election-influencing activity.

The Commission expresses no opinion regarding application of any State law to the issues described herein, nor as to any possible tax ramifications, as those issues are outside its jurisdiction. Nor does the Commission express any opinion concerning the possible application of rules of the House of Representatives.

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 1981-35, 1982-14, and 1980-57)