



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 27, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-42

Mr. Carl C. Perkins
Mr. Randy A. Campbell
Weinberg, Perkins & Campbell
Perkins Building
Hindman, Kentucky 41822

Dear Messrs. Perkins and Campbell:

This responds to your letter of August 20, 1984, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to Mr. Perkins' candidacy in both a special election and a general election that will be held on the same day.

You state that as a result of a vacancy in the House seat for the 7th Congressional district of Kentucky, the Governor of Kentucky has called a special election for the unexpired portion of the current term. This special election will be held on November 6, 1984, the same day as the general election. You state that under the applicable laws and rules of Kentucky, Mr. Perkins has received the Democratic nomination for both the unexpired portion of the current term and the term of office beginning in January 1985. You note that under Kentucky law, Mr. Perkins' name will appear twice on the Democratic line of the ballot during the November 6, 1984, election: once for the remainder of the current term and once for the new term. You also note that a registered voter is called on to cast separate votes for the two elections. Your request indicates that you have established two campaign committees, one for each election: the Carl C. Perkins Special Election Committee ("the Special Election Committee") and the Carl C. Perkins Election Committee ("the Election Committee").*

You ask two questions based upon these facts: 1) whether an individual may lawfully contribute up to \$1,000 to both the Special Election Committee and the Election Committee; and

* In Advisory Opinion 1980-80, the Commission stated that seeking election to two separate terms of the same office does not require the establishment to two separate principal campaign committees. The establishment of two separate committees is only required when a candidate is seeking election to more than one "office." See 11 CFR 110.8(d)(1)

2) whether a multicandidate committee may lawfully contribute up to \$5,000 to both the Special Election Committee and the Election Committee.

In answer to your questions, the Commission concludes that a separate contribution limit would apply to each election. Under 11 CFR 110.1(j)(1), the limitations on contributions apply separately with respect to each election. Commission regulations also define "election" to include a regularly scheduled general election and a special election held to fill a vacancy. 11 CFR 100.2(b), 100.2(f). Thus, the Commission concludes that although both the special election and the general election will be held on the same day, the requirements that a candidate's name appear twice on the ballot, and that the voter may cast two separate votes, support the conclusion that Mr. Perkins will be a candidate in two distinct elections.

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)

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosure (AO 1980-80)