



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 17, 1986

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1985-41

Lamar J. Noriega
Dante Fascell Campaign Committee
8603 South Dixie Highway
Suite 211
Miami, Florida 33143

Dear Mr. Noriega:

This responds to your letters of November 7 and 22, 1985, which request an advisory opinion on behalf of the Dante Fascell Campaign Committee ("DFCC") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the proposed acceptance of a contribution from a multicandidate committee.

Your letter explains that DFCC proposes to accept a \$3,000 contribution designated by the contributor, a multicandidate committee, for the 1986 general election. The contributor has previously made a \$5,000 contribution to DFCC for the 1986 primary election. You also state that DFCC will open a savings account for 1986 general election contributions and will not transfer such contributions to its checking account until after the 1986 primary election. You ask whether the \$3,000 contribution is permissible in these circumstances.

The Act and regulations limit the contributions that a multicandidate committee may make to any candidate or his authorized political committee to an aggregate of \$5,000 with respect to any election for Federal office. 2 U.S.C. 441a(a)(2)(A) and 11 CFR 110.2(a)(1). They also limit the acceptance of such contributions. 2 U.S.C. 441a(f) and 11 CFR 110.9(a). The term "election" is defined as "a general, special, primary, or runoff election." 2 U.S.C. 431(l)(A) and 11 CFR 100.2. Thus, a multicandidate committee may contribute in the same election cycle an aggregate of \$5,000 to a candidate with respect to the primary election and an aggregate of \$5,000 to the same candidate with respect to the general election, provided the individual participates as a candidate in the general election.

Commission regulations provide that when a contribution is designated by the donor for a particular election, it is treated as made for that election. 11 CFR 110.1(a)(2)(i), 110.2(a)(1). Section 102.9(e) of the regulations specifically allows the acceptance of contributions for the general election prior to the primary election, provided a reasonable accounting method is used to distinguish between primary and general election contributions. Thus, if otherwise lawful, DFCC may accept the \$3,000 general election contribution from the multicandidate committee provided it is separately accounted for in DFCC records and reports. Additionally, in past advisory opinions the Commission has required that contributions designated for a primary runoff or general election be returned to the donors if the candidate does not participate in that election. See Advisory Opinions 1980-68, 1980-122 and 1982-49. Therefore, if Mr. Fascell is not a candidate in the 1986 general election, the \$3,000 general election contribution must be returned to the multicandidate committee.

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)

Joan D. Aikens
Chairman for the Federal Election Commission

Enclosures (AO's 1980-68, 1980-122, 1982-49, 1984-32)