



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 14, 1987

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1987-23

Rand Hoch
Kaplan Sicking & Bloom, P.A.
1675 Palm Beach Lakes Boulevard
Suite 200
West Palm Beach, Florida 33401

Dear Mr. Hoch:

This responds to your letter of July 9, 1987, requesting an advisory opinion on behalf of Electro Political Action Committee 323 ("Electro PAC"), a multi-candidate committee sponsored by the International Brotherhood of Electrical workers, and the Lake Worth Fire Fighters Campaign Fund ("Campaign Fund") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to acceptance of contributions from a state political committee whose receipts include union dues monies.

You state in your request that the Campaign Fund is a Committee of Continuous Existence ("CCE") organized in accordance with the Florida Election Code. A CCE is defined by Section 106.04(1)(b) of the Florida Election Code as an organization that must derive at least 25 percent of its income from "dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws."

Your letter further indicates that each month the Lake Worth Fire Fighters, Local 2817, a labor organization, gives to the Campaign Fund \$10 on behalf of each member of the Local. These funds are from union dues, as required by Section 106.04 of the Florida Election Code. You ask whether Electro PAC may accept contributions from the Campaign Fund.

The Act prohibits a labor organization or corporation from making any contribution or expenditure whatsoever in connection with a Federal election. 2 U.S.C. 441b; see also 11 CFR 114.1(b). The regulations further define "contribution or expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or

anything of value ... to any candidate, campaign committee, or political party or committee, organization, or any other person in connection with any [Federal] election." 11 CFR 114.1(a)(1); see also 2 U.S.C. 441b(b)(2).

In your request you indicate that the receipts of the Campaign Fund are comprised of dues monies paid by members of Local 2817 as a condition of membership in the Local.*/ Regardless of the requirements of Florida law, the Act expressly prohibits the use of labor organization dues to make contributions or expenditures in connection with, or to influence, any Federal election. 2 U.S.C. 441b(b)(2). Commission regulations explain that a separate segregated fund, such as Electro PAC, may not utilize dues or other monies required as a condition of membership in a labor organization to make contributions or expenditures in connection with a Federal election. 11 CFR 114.5(a)(1). See also Advisory Opinions 1980-133 and 1980-27. The Campaign Fund, therefore, may not make any contribution to Electro PAC, nor may Electro PAC accept such a contribution in connection with any Federal election.

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,

(signed)

Scott E. Thomas
Chairman for the Federal Election Commission

Enclosure (AO's 1980-27 and 1980-133).

*/ In a telephone conversation on August 12, 1987, with the Commission's legal staff, you confirmed that all the receipts in question are dues monies.