



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

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SECTION 10
JUN 21 11 09

CONCURRING OPINION
OF
COMMISSIONER SCOTT E. THOMAS
COMMISSIONER DANNY LEE MCDONALD
ADVISORY OPINION 1990-6

Federal law, as interpreted by the Federal Election Commission, "occupies the field with respect to limitations and prohibitions of Federal campaign contributions and expenditures, and the sources of funds used in Federal campaigns." Advisory Opinion 1990-6 at 3. It is for this reason that we agree with the Commission's conclusion that "if the [Pacific Power Community Charitable Contribution Plan] meets the conditions set out in the Commission advisory opinions permitting such plans, it may be implemented, notwithstanding the cited State law of Oregon or an interpretation of that law." *Id.* at 3, 4. In concurring with this result, however, we adhere to our view that corporate charitable donation matching plans like this involve indirect compensation for political contributions that is barred by 2 U.S.C. §441b and the Commission regulations at 11 C.F.R. §114.5(b)(1). See Advisory Opinion 1989-7, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5958 (Dissenting Opinions of Commissioner Thomas and Commissioner McDonald)

June 20, 1990
Date

Scott E. Thomas
Scott E. Thomas
Commissioner

6-20-90
Date

Danny Lee McDonald
Danny Lee McDonald
Commissioner