



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

**CONCURRING OPINION OF COMMISSIONER TREVOR POTTER  
IN ADVISORY OPINION 1994-34**

This Opinion correctly concludes that persons holding COMEX seats meet the Commission's requirements for membership in COMEX. I write only to note an important change made by the Commission during the discussion of the Counsel's draft. The Commission added the phrase "in most instances" to the discussion of the Commission's precedents allowing only one vote per seat. This change resulted from the General Counsel's statement that the language restricting membership to one per seat stemmed at least in part from COMEX's own by-laws. The General Counsel noted that the Commission could in other circumstances consider an argument for more than one member per seat (for instance, if the organization's by-laws provided for more than one individual to hold membership rights, and each such individual had an independent significant financial interest in the organization). I believe it is significant that the Commission's language change and accompanying discussion leaves open the possibility that organizations may structure their membership in ways other than one member per seat.

A handwritten signature in cursive script, appearing to read "Trevor Potter", is written over a horizontal line.

Trevor Potter  
Commissioner

Dated: January 12, 1995