June 29, 1995

MEMORANDUM TO: The Commission
THROUGH: John C. Surina
Staff Director
FROM: Lawrence M. Noble
General Counsel
N. Bradley Litchfield
Associate General Counsel
Jonathan M. Levin
Senior Attorney

SUBJECT: OGC revision to Draft AO 1995-15

Attached is a proposed revision to the subject opinion, as discussed this morning, which pertains to the issue of giving notice to contributors that candidate designations may not total in excess of the $5,000 per candidate, per election limit applicable to Allison PAC.

This revision would be a footnote on page 11, and only that page (with the footnote) is attached for Commission approval this afternoon. The entire draft opinion also needs final Commission approval.

Attachment
weeks or months after the designation.

Assuming Allison PAC wishes to send the funds to designated committees in October of each year, it may still operate its plan subject to modification as to when the employee actually makes the designation. The PAC may send a solicitation requesting the approval by the employee of a monthly payroll deduction in a certain amount or the pledge of a check in a certain amount. That solicitation would also inform the employee that the opportunity for designating candidate recipients, and the amounts they each should receive, would occur during a certain ten day window of time, specified in the solicitation, in the following October, and that the PAC would disburse the funds according to the designation instructions at the end of that period. Since the PAC also wishes to provide an opportunity for non-designation, and the disbursement by the PAC of non-designated funds for political uses it determines, the solicitation would permit the employee to denote a percentage

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6/ The solicitation should also inform the employee that the amounts designated for candidates will be treated as contributions from Allison PAC, as well as from the individual employee, and that the PAC will be subject to the $5,000 per election limit on contributions by a multicandidate committee to a particular candidate. The solicitation, therefore, should also note the possibility that all or part of the amount designated by an individual for a particular candidate will not be sent to that candidate and should also explain other options for the PAC’s use of the funds. After the designations are made, and the funds sent by the PAC, the PAC should send a notice to the individual employee informing him or her as to the amount of contributions attributed to the employee with respect to each candidate.