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August 21, 1996

Supplement to
AOR 1996-36

N. Bradley Litchfield, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: AOR 1996-36

Dear Mr. Litchfield:

You have asked for clarification of the first question presented in this AOR submitted on behalf of named candidates for election to the House of Representatives from the State of Texas.

The first question raises the issue of how the contribution limits are affected if a contribution has been made to a prior "voided" election. The candidates have encountered and anticipate still more confusion among contributors who have already "given" -- but for all practical purposes, it now appears, have not. In short, they made a contribution to support a candidate in an election now held to have no legal effect. May they be advised that their contribution is also effectively treated as void, and thus may be disregarded by contributors in making plans for the support within lawful limits of these same candidates in the elections called for under the court order?

While this question is particularly pertinent to the resolution of the issue raised in the AOR about the application of the \$25,000 annual aggregate limit, it is broadly significant, as well, in countering contributor confusion about the legal treatment of the contribution made to the primary election held invalid under the court order. The candidates need some way to answer questions about the status of this prior contribution, if they are to be successful in encouraging additional support for elections held under the court order.

[04631-0001/DA962336.019]

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We are also concerned with the specific question of whether a contribution made after the now-voided primary, but prior to the court's decision in Vera, must be treated as a contribution to the November "special" election called for in the Court's order. When made, these contributions were raised and intended by contributors for a general election in November to decide election to these offices once and for all, without possibility of a run-off. For these candidates, such an election will no longer be held. Moreover, the special election now called by the Court may involve candidates who were not running in the former general election. May candidates, having obtained the maximum contribution for the now cancelled November general election, obtain from the same contributor another contribution for the very different, "special" election ordered by the Court?

Very truly yours,



Robert F. Bauer

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