

## ADVISORY OPINION 1975-48

### Attribution of Contributions to Political Party to Candidate Receiving Funds from that Party

This Advisory Opinion is rendered under 2 U.S.C. §437f in response to a request by Mr. Richard C. Frame, Chairman of the Republican State Committee of Pennsylvania. The request was published in the Federal Register on September 3, 1975 (40 FR 40678). Interested parties were given an opportunity to submit comments relating to the request. No comments were received.

The Pennsylvania Republican State Committee inquires whether a person may make an unearmarked contribution to a state or local party committee, without exceeding the limitations of 18 U.S.C. §608(b)(1), if: (1) the person has previously contributed, in the aggregate, less than or equal to \$1,000 to a particular candidate, and (2) the committee makes contributions to or expenditures on behalf of that same candidate.

Section 608(b)(6) of Title 18, United States Code, provides that contributions for a Federal candidate "which are in any way earmarked or otherwise directed through an intermediary or conduit to such a candidate shall be treated as contributions from such person to such candidate." A donation to a candidate's principal campaign committee, a committee authorized in writing to accept, contributions on a candidate's behalf, or a single candidate committee is understood as a contribution "to a candidate" and subject to the limitations of 18 U.S.C. §608(b)(1), (2).<sup>1/</sup> Therefore, an individual who has previously donated \$1,000 to the campaign of a particular candidate may contribute to the Republican State Committee without exceeding the limits of §608(b)(1) provided the Committee is not associated with that candidate in any of the ways noted above, and the contributor does not give with knowledge that a substantial portion of his or her contribution will be contributed to or expended on behalf of that candidate. Naturally, any contribution to the Republican State Committee is attributable to the individual's \$25,000 aggregate contribution ceiling (18 U.S.C. §608(b)(3)).

Advisory Opinion 1975-74 (40 FR 51353) established the understanding that any contribution by an individual in a non-election year would not apply to the ceiling for election year contributions (see 18 U.S.C. §608(b)(3)) unless the donation is made "with respect to" a particular election. Provided the Republican State Committee does not become a principal campaign committee, an authorized committee or a single candidate committee, an individual's contributions to the Committee in a non-election year will not be attributable to the \$25,000 aggregate ceiling in the election year if such contributions

<sup>1/</sup> If a candidate authorizes, in writing, a multi-candidate committee to accept contributions on his or her behalf then that committee must establish separate records noting the receipt of those contributions which are earmarked for the authorizing candidate. It would then disburse them at the candidate's direction.

are not given with knowledge that a substantial portion thereof will be contributed to or expended on behalf of the particular candidate to whom the individual made a direct contribution.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.