



O&C# 1568

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American Pharmaceutical Association—Political Action Committee • 2215 Constitution Avenue, NW • Washington, DC 20037-2985 • (202) 628-4410

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Director of
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Associate Director of
Government Affairs

June 6, 1994

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

Dear Sir or Madam:

AOR 1994-21

The American Pharmaceutical Association Political Action Committee (APhA-PAC) requests an advisory opinion from the Federal Election Commission (FEC) regarding a combined dues invoice and solicitation.

APhA is a membership association for pharmacists. Each year 30,000 of our members receive our standard dues renewal invoice. APhA-PAC would like to include a voluntary solicitation on the dues renewal invoices. This solicitation would include a suggested contribution amount of \$25.

However, of the 30,000 members, less than 1,000 (or less than 3%) are members who are considered to be unsolicitable within the FEC's definition of a "member". These members pay the same amount in dues and have all the same benefits with the exception of not being eligible to vote for the highest governing body of the Association. They do, however, have limited voting rights.

APhA-PAC would like to include in the solicitation on the dues renewal invoice a statement which would clearly note that contributions cannot be solicited of those persons who are outside of the restricted class, that all contributions to APhA-PAC will be screened and any contributions received from unsolicitable persons will be returned. In addition, the suggested \$25 contribution amount would not appear on invoices for the unsolicitable members.

The Commission has stated in previous advisory opinions (AOs 1980-139, 1979-50, 1979-15 and 1978-97) that a solicitation in an in-house publication which is circulated outside the restricted class may be permissible as long as it is received by an "incidental" number of unsolicitable persons and includes an explicit caveat stating that contributions will be screened and any received from outside the restricted class will be returned.

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With those advisory opinions serving as precedence, the APhA-PAC requests the Commission's opinion on the inclusion of the solicitation on the dues renewal invoice that may be received by a small percentage of unsolicitable members.

We thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "William M. Hermelin". The signature is written in black ink and extends to the right with a long horizontal stroke.

William M. Hermelin
Assistant Treasurer, APhA-PAC