

## FEDERAL ELECTION COMMISSION

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FEC "RESTRICTIONS"  
ON CONVENTION DELEGATES

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WASHINGTON - NOVEMBER 19 - The Federal Election Commission has approved restrictions on unlimited spending by, and contributions to, individuals seeking to become delegates to national political party presidential nominating conventions.

In issuing Advisory Opinion #1975-12 yesterday the Commission said certain restrictions could be applied under the existing law to financial activities of "authorized" and "pledged" delegates, but not to "uncommitted" delegates. It said, "This Advisory Opinion represents the Commission's understanding of the restrictions which the Act places upon activity by and on behalf of candidates for delegate, pending possible amendment by Congress."

The Commission noted that convention delegates are not specifically covered by the candidate contribution and expenditure limits of the Federal Election Campaign Act of 1971, as amended, because such delegates are not included in the Act's definition of a federal "candidate".

Earlier this month, a special FEC Task Force report on Delegate Selection was transmitted to Congress. The report said, "the underlying consideration is whether a failure to limit the funds raised or expended by delegate-aspirants would in effect permit Presidential candidates and committees to divert funds in such a fashion as to exceed the statute's limitations on the candidates themselves." The report noted an "imbalance between pledged and unpledged delegates," and contained possible legislative plans.

The "restrictions" under the existing Act, approved by the Commission today, covered three categories of delegates:

1. AUTHORIZED DELEGATES: A delegate "authorized by a Presidential candidate to receive contributions or make expenditures on behalf of that Presidential candidate" is considered "an agent of that candidate." There would be no separate contribution or expenditure limits with respect to such an authorized delegate. However, any expenditures by the Authorized delegate would be counted as part of the Presidential candidate's individual state and overall spending limits. Similarly, contributions by a donor to an authorized delegate would be treated as contributions to the Presidential candidate, and subject to the donor's contribution limits to that Presidential candidate. The authorized delegate would file contribution and spending reports to the Presidential candidate's "Principle Campaign Committee", which would include the data in its own financial disclosure reports.

2. PLEGGED BUT UNAUTHORIZED DELEGATES: A Presidential candidate's limits would not be applied to a delegate-candidate "who announces support for, or who is publicly pledged to, a particular Presidential candidate, but who is not authorized to raise or spend funds on behalf of that candidate."

The Commission noted that such a delegate's activities are "not within the dominion and control of the respective Presidential candidate."

The Commission said, however, that expenditures by such a pledged but unauthorized delegate, would be considered expenditures "relative to a clearly identified candidate" and therefore are covered directly by the \$1,000 independent expenditure limit of Section 608(e) of the Act.

Similarly, the Commission said donors could only contribute \$1,000 to a pledged but unauthorized delegate-candidate. It said, "The pledged delegate implicitly operates as an agent for the donor who promotes the election of a particular candidate through the act of giving. Therefore, a person may independently expend no more than \$1,000 on behalf of all delegate-candidates publicly supporting a particular Presidential candidate."

The delegate would be required to report contributions and expenditures in excess of \$100. to the FEC.

3. UNCOMMITTED DELEGATES: No contribution or expenditure limits would apply to "unpledged or uncommitted" delegate candidates. However, a contribution to an uncommitted delegate would be counted as part of that donor's \$25,000 limit of total political contributions per year for federal elections.

The Commission said the problem of a delegate "who spuriously maintains that he or she is unpledged and exceeds the \$1,000 (spending) ceiling would be handled on a case-by-case basis.

Uncommitted delegates would also have to report contributions or expenditures in excess of \$100 to the Commission.

4. EXCEPTION: The Commission exempted from the expenditure limits and reporting requirements for all categories of delegates any "expenses for travel and subsistence during a nominating convention, whether on the national, state, district or county level." This would include "travel, food and lodging to and from, or at, such conventions."