

FEDERAL ELECTION COMMISSION

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RELEASE: ON RECEIPT

THURSDAY, DECEMBER 11, 1975

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FEC RULES ON UTAH PRIMARY

WASHINGTON - DECEMBER 11- The Federal Election Commission today issued a ruling on the applicability of federal primary election contribution and expenditure limits to the Utah candidate nominating process.

Under Utah law, political party candidates are nominated by their party in one of two ways: either (1) without a primary election, if a candidate receives 70% of the vote at a state party nominating convention, or (2) in a primary election following the convention if no candidate receives 70% of the nominating convention vote, in which case the convention picks two candidates who will run in the primary.

In Advisory Opinion (AO) #1975-54, issued today, the Commission said that the primary election would be considered completed at whichever of the two steps the final designation of the party's general election candidate is made.

The FEC said "(when) the Utah State Nominating Convention does not select a nominee, (it) is not a separate election. Such a caucus or convention is, in essence, a step in the nominating process and will be considered a part of the primary election."

The Commission said, however, "In the event the convention nominates a candidate by the requisite number of votes, the nominating process, and therefore, the primary process ends."

The Commission said that the separate primary election contribution and expenditure limits would be applied throughout "the time period during which (a candidate) is seeking the nomination." Separate general election contribution and expenditure limits would begin at whichever point the nominating process is completed.

In other action today, the Commission issued the following Advisory Opinion:

-----AO #36 C-TAPE: C-TAPE (Committee for Thorough Agricultural Political Education) may pay an obligation of its predecessor committee (TAPE: Trust for Agricultural Political Education) incurred from 1969-1972 to a corporation (AMPI: Associated Milk Producers, Inc.) without being in violation of the Federal Election Campaign Act, provided "the payment by C-TAPE is not made in satisfaction of any obligation previously incurred by AMPI in violation of applicable Federal law." Such a payment must be disclosed in the appropriate report to the Federal Election Commission. (AO #36, requested by C-TAPE, San Antonio, Texas).