

ADVISORY OPINION 1975-106

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request submitted by Michael Kantor on behalf of Citizens for Senator Allen Cranston (hereinafter Committee). This request was published in the Federal Register on November 7, 1975 (40 FR 52796). Interested persons were invited to submit written comments. No comments were received.

This request relates to a \$10,000 debt of the Committee from the 1974 campaign. The Committee wishes to retire this outstanding debt from funds raised in the next few months. Senator Cranston's current term does not expire until 1981 and thus he does not expect to become a candidate for quite some time.

Specifically, these questions have been asked:

1. Whether the 1974 debt is subject to the disclosure requirements of the Federal Election Campaign Act of 1971, as amended (the Act);
2. Whether the contribution limits of 18 U.S.C. 608 will be applied to persons contributing to retire the 1974 debt; and
3. Whether the funds used to retire the 1974 debt will be charged against the expenditure limits, of 18 U.S.C. 608(c) of Senator Cranston should he become a candidate with respect to a Federal election in 1980.

The Commission in Advisory Opinions 1975-5 and 1975-6(40 FR 31316, July 25, 1975), an Interim Guideline (40 FR 32950, August 5, 1975) and a Policy Statement (40 FR 32952, August 5, 1975), outlined requirements for the disclosure of pre-1975 campaign debts. These publications point out, generally that the limits in 18 U.S.C. 608(b) and (c), do not apply to contributions and expenditures related only to retiring past campaign debts. Further, in Advisory Opinion 1975-82 (40 FR 57757, December 11, 1975) the Commission extended the time in which candidates and political committees could solicit contributions for the repayment of pre-1975 debts. The Cranston Committee is referred to AO 1975-82 for specific guidance in reporting contributions and expenditures to retire its 1974 debt. The Commission thus answers the first question in the affirmative.

With reference to question two, the limits of 18 U.S.C. 608(a) on the amount a candidate or his immediate family may expend on a candidate's behalf are applicable to a 1974 debt. Therefore, Senator Cranston (or his immediate family) may not at any time expend in excess of \$35,000 with respect to the 1974 campaign. The limits of 18 U.S.C. 608(b), however, will not be applicable to contributions by others given solely for retirement of pre-1975 campaign debts.

The Commission answers the last question in the negative. The Commission recognizes the obligation and responsibility of candidates and committees to retire their

debts and encourages the liquidation of these debts at the earliest possible date. But whether or not the Senator decides to become a candidate with respect to an election in 1980, the Commission will not count expenditures related to the retirement of a 1974 debt against any 608(c) limits applicable in a future Federal election.

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