



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-51

Mr. C. M. Brooks, Finance Chairman
The Friends of Eldon Rudd
P.O. Box 873
Scottsdale, Arizona 85252

Dear Mr. Brooks:

This is in response to your letter of July 26, 1978, requesting an advisory opinion concerning applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a contribution from an American Indian tribe.

Your letter states that the Friends of Eldon Rudd ("the Friends Committee") has received a \$250 contribution from the Ak-Chin Indian Community ("the Community"). You ask whether the Act permits acceptance of such a contribution, and, if so, what are the contribution limitations and how are the contributions to be reported.

The Community is a non-corporate entity organized pursuant to 25 U.S.C. 476 and none of its members are corporations. The Community has filed Articles of Association with the Secretary of the Interior of the United States which vest in the Community's Council the right, inter alia, "to assess fees on Community members for public purposes, or to finance any project or enterprise which it deems beneficial to the interests of the Community as a whole."

For purposes of the Act and Commission regulations, the Community would be considered a "person," as such term is defined by 2 U.S.C. 431(h). As a discrete person contributions by the Community to the Friends Committee may not exceed \$1,000 per election. 2 U.S.C. 441a(a)(1)(A). The community may make a contribution only if its general funds do not include monies from entities or persons that could not make contributions directly under the Act. Furthermore, the contributions assuming it is made from general funds of the Community and not from funds provided by another person on an earmarked basis for transmittal through the Community to the Friends Committee, would not have to be attributed to individuals comprising the Community. However, if the Community's total contributions to all candidates for Federal office and political committees (as defined in the Act) exceed \$1,000 in a calendar year, the Community would itself become a "political committee" subject to the registration and reporting requirements of 2 U.S.C. 433 and 434. See also Commission regulations at 11 CFR 102.6.

As stated above, the Community may make contributions to the Friends Committee as a "person," subject to the \$1,000 per election limit of the Act as applied to contributions from any "person." Contributions from the Community would be reported by the Friends Committee as a contribution from the "Ak-Chin Indian Community."

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission