



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

July 29, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-71

Greta C. Botka  
Oak Industries Political Action Association  
16935 West Bernardo Drive  
Rancho Bernardo, California 92127

Dear Ms. Botka:

This responds to your letter of May 30, 1980, requesting an advisory opinion on behalf of the Oak Industries Inc. Political Action Association ("the Association"), concerning what disclaimers must or may be used when the Association solicits contributions on its behalf from corporate personnel.

Your letter refers to the 1980 amendments to the Federal Election Campaign Act ("the Act") and the regulations pursuant thereto, specifically 2 U.S.C. 441d and 11 CFR 110.11, which apply, *inter alia*, to contribution solicitations by any person through various forms of general public political advertising and require that a statement of sponsorship be included pursuant to 11 CFR 110.1(a)(1). You ask what the appropriate disclaimer is for all literature used by the Association in soliciting contributions to the Association from its "employee pool".

As stated in 2 U.S.C. 441b(b)(4)(A)(i), a separate segregated fund established by a corporation is prohibited from soliciting contributions from any person other than the corporation's stockholders and their families and its executive or administrative personnel and their families.<sup>1</sup> Section 441d of Title 2 (U.S.C.) sets forth the disclaimers necessary whenever any person solicits<sup>2</sup> any contributions through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising. The prohibition of 2 U.S.C. 441b(b)(4)(A)(i) makes 2 U.S.C. 441d inapplicable to contribution solicitations by or on behalf of the Association because it is a separate segregated fund established by a corporation and is prohibited, therefore, from soliciting funds from the

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<sup>1</sup> Other employees can be solicited by mail twice a year under special conditions. 2 U.S.C. 441b(b)(4)(B), 11 CFR 114.6.

<sup>2</sup> As mentioned elsewhere herein, disclaimers are also required for certain candidate advocacy communications.

general public. See also 11 CFR 114.5(g)(1). In addition you correctly note that the 1980 amendments have repealed the former 2 U.S.C. 435(b) which required the following notice on all contribution solicitations by political committees: "A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

Since 2 U.S.C. 441d is not applicable to the Association in soliciting contributions from solicitable corporate personnel, and since the Act no longer requires the notice quoted above, the Association in soliciting funds on its own behalf from its solicitable employee pool is not required to comply with 2 U.S.C. 441d or Commission regulations at 11 CFR 110.11(a). The Association may, if desired, continue to use the stationery with the disclaimer previously required by 2 U.S.C. 435(b), now repealed. Also, if the Association makes an expenditure for the purpose of financing any communication expressly advocating the election or defeat of a clearly identified candidate for Federal office through any of the specified public media, such communication would have to include the appropriate disclaimer. 11 CFR 110.11(a); see 11 CFR 114.5(i).

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Max L. Friedersdorf  
Chairman for the  
Federal Election Commission