



RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
Aug 15 3 37 PM '96

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

August 12, 1996

AOR 1996-37

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Aug 14 11 18 AM '96

QUESTION

How will the new open election, required by the U.S. District Court, Southern District, affect the contribution limits for those contributions already received for the general election and those future contributions to be solicited for the new open election.

REQUEST FOR ADVISORY OPINION

As one the thirteen districts affected by the recent U.S. Supreme Court ruling declaring three (3) Texas congressional districts unconstitutional, Kevin Brady (candidate for the 8th CD of Texas) is requesting an advisory opinion verifying that the general election, for which his campaign has been incurring expenses and receiving contributions since the April 9th run-off, is recognized as a separate election from the new open election required by the U.S. District Court, Southern District.

BACKGROUND

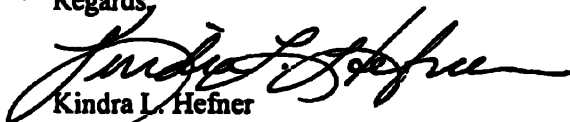
The U.S. Supreme Court recently rendered a decision that ruled three (3) U.S. Congressional districts in Texas unconstitutional and remanded the case back to the U.S. District Court, Southern District with instructions to issue an order correcting the unconstitutional districts.

Kevin Brady was a candidate in the Texas March 12, 1996 primary and the winner of the Texas April 9, 1996 runoff. On August 6, 1996 the U.S. District Court, Southern District issued an order correcting the three unconstitutional districts by redrawing the three unconstitutional districts as well as ten (10) others and requiring new open elections in the thirteen (13) districts that were affected, thereby nullifying the respective primaries and run-offs held back in March and April.

The new open election has a new filing fee and filing deadline of August 30, 1996 and will be held the same date as the general election, Tuesday, November 5, 1996 with the winner taking all. If no one candidate receives 50.1 percent of the vote the top two vote getters, regardless of their party affiliation, will be in a run-off election scheduled for Tuesday, December 10, 1996.

With this recent decision and the quickly approaching November 5, 1996 election, your timely response to this request will be greatly appreciated.

Regards,


Kindra L. Hefner
Director, Brady for Congress Committee

★ BRADY FOR CONGRESS ★

P.O. Box 8277 • The Woodlands, TX 77387 • Phone (713) 363-9297 • Fax (713) 363-9577

Paid for by Brady for Congress