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OFFICE OF GENERAL
COUNSEL

October 1, 2010

AOR 2010-28

Chris Hughey, Esq.
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Mr. Hughey:

I am writing on behalf of the Indiana Democratic Congressional Victory Committee ("IDCVC") and Hoosiers for Hill ("Hill Campaign") to request an advisory opinion relating to the transaction described below. Based upon the fact that the transaction relates to the general election, we request that the Commission provide a response to this request within 20 days in accordance with 11 C.F.R. § 112.4(b).

BACKGROUND

IDCVC is a state committee of a political party as defined by 2 U.S.C. § 431(15). The Hill Campaign is the principal campaign committee of Congressman Baron Hill, candidate for United States House of Representative for the 9th District of Indiana.

On September 17, 2010, the Hill Campaign transferred \$34,600 to the IDCVC's federal account in accordance with 2 U.S.C. § 439a(a)(4). This transfer was made, in part, with the understanding that the IDCVC would be undertaking certain campaign programs for federal candidates in connection with the 2010 general election. It has come to the Hill campaign's attention that the IDCVC will not be undertaking certain programs anticipated by the Hill Campaign and the Hill Campaign has requested and the IDCVC has agreed that it would refund the full amount of the September 17, 2010 transfer to the Hill Campaign so that it may itself use the funds in connection with its general election campaign.

QUESTION PRESENTED

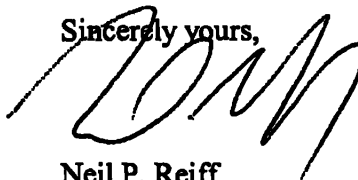
May the IDCVC refund all or a portion of the transfer made by the Hill Campaign or would such a refund be considered a contribution subject to the limitations of 2 U.S.C. § 441a(a)(2)(A)?

DISCUSSION

The Federal Election Campaign Act ("FECA"), as amended, provides that a principal campaign committee may transfer, without limit, campaign funds to a national, State or local committee of a political party. 2 U.S.C. § 439a(4). The FECA contains provisions for the refund of contributions made to party committee or other political committee. See e.g. 2 U.S.C. §§ 434(b)(4)(F) & (5)(E); 11 C.F.R. § 103.3(b). Such refunds, when made to a political committee are not considered contributions and are not subject to the limitations of 2 U.S.C. § 441a(a). However, the Act and the Commission's regulations appear to be silent as to whether the refund of a transfer is treated any differently under the Act and the Commission's regulations than that of a contribution. Therefore, the Committees seek to confirm that the IDCVC may refund all or a portion of the Hill Committee's transfer without such refund being considered a contribution from the IDCVC to the Hill Committee.¹

If you have any questions or need additional information in connection with this Advisory Opinion Request, please contact me at (202) 479-1111. Thank you for your time and attention to this matter.

Sincerely yours,



Neil P. Reiff
Counsel to the Indiana Democratic
Congressional Victory Committee and
Hoosiers for Hill

¹ It should be noted that this Advisory Opinion Request is being submitted less than 30 days from the date of receipt of the contribution. See 11 C.F.R. § 103.3(b).