



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-66

Mr. Hubert Beatty, Treasurer
Associated General Contractors Political Action Committee
1957 E Street, N.W.
Washington, D.C. 20006

Dear Mr. Beatty:

This responds to your letter of November 5, 1979, in which you request an advisory opinion on behalf of the Associated General Contractors Political Action Committee concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the permissibility of publishing certain information about your committee in trade publications.

You explain in your letter that the Associated General Contractors of America, the trade association which sponsors the Associated General Contractors Political Action Committee, (hereinafter "AGC-PAC"), would like to include certain information about AGC-PAC in two of its trade association publications. One of these publications is a newsletter, the weekly AGC National Newsletter, which is distributed to 12,000 members of the trade association. The other publication, CONSTRUCTOR magazine, is distributed to 26,000 readers, including all members of the trade association as well as others who are not members.

The information that the trade association would like to communicate to readers of both publications about AGC-PAC is as follows:

"Attendees at AGC's 1979 Midyear Board Meeting committed \$50,000 to AGC's Political Action Committee. The \$50,000 committed at Minneapolis brings to \$120,000 the sum contributed to the AGC-PAC in 1979. This amount was contributed by 479 individuals. Authorizations to solicit members for contributions to AGC's PAC have been provided by 2,292 individuals."

"Since AGC's Political Action Committee filed its first report with the Federal Election Commission on May 17, 1978, it has received contributions totaling \$189,000 and has made contributions totalling \$75,000 to 166 candidates."

You ask specifically whether this information may be included in either or both of the trade publications described.

The Commission concludes that the proposed notice regarding AGC-PAC's financial activity does not constitute a "solicitation" under the Act and Commission regulations. The notice as set forth does not encourage its readers to support AGC-PAC activities nor does it provide readers with information on how they can contribute to AGC-PAC. The publication of the notice in AGC National Newsletter and in CONSTRUCTOR magazine would, therefore, be permissible.

The foregoing conclusion is distinguishable from Advisory Opinion 1979-13 (copy enclosed) wherein the separate segregated fund of a corporation proposed to publicize its existence by running an article in the corporation's newsletter describing the fund's activities. The commission concluded that the proposed article was a solicitation for voluntary contributions directed toward the readers of the corporate newsletter since the article described the fundraising activities of the separate segregated fund and contained a quotation from the chairman of the fund commending the enthusiasm of employees who had participated in fund activities during the past year. Accordingly, in contrast to this opinion, the Commission viewed the article as encouraging and thus soliciting readers of the corporate newsletter to participate in the separate segregated fund.

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)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosure (AO 1979-13)