



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1983-46

Rebecca L. Burke
White, Fine & Verville
1156 Fifteenth Street, N.W.
Washington, D.C. 20005

Dear Ms. Burke:

This responds to your letter of December 15, 1983, requesting an advisory opinion on behalf of the American Association of Nurse Anesthetists concerning the application of the Federal Election Campaign Act of 1971 as amended ("the Act"), to the proposed payment of administrative and solicitation costs by the national association's state counterparts.

You state that the American Association of Nurse Anesthetists ("AANA") is a non-profit membership organization incorporated under Illinois state law whose membership consists almost entirely of certified registered nurse anesthetists. Further, you state that the AANA recently has established a separate segregated fund, CRNA-PAC, which it also finances and maintains. Your letter also states that nurse anesthetist associations exist on the state level, but that the AANA does not have control over the state associations' executive officers, their boards of directors or their operating procedures. Specifically, you ask whether all separate segregated funds of the state associations are affiliated with CRNA-PAC and whether the state associations may use their funds to defray the administrative and solicitation costs of CRNA-PAC, or act as collecting agents for the PAC under 11 CFR 102.6.

Under the Act, and Commission regulations, the political committees of state and national associations would be affiliated if they were "established, financed, maintained or controlled" by the same membership organization and its related state entities. See 2 U.S.C. 441a(a)(5); 11 CFR 100.5(g)(2) and 110.3(a)(1)(ii)(D). Your letter, and the enclosures, indicate that the nurse anesthetist associations on the state level are related in several respects to AANA.

According to your letter, an individual who is a member of a state nurse anesthetist association concurrently must be a member of the AANA. Thus, the state and national associations share a common membership group. Furthermore, the state and national associations are financed commonly. Article XXI of the AANA Bylaws provides that dues are collected by the AANA, and not by state associations, and that a specified amount of each member's dues is remitted to his/her state association. The Bylaws provide further that the AANA has developed certain criteria by which it officially recognizes a state association, and after such recognition the state association may participate in the electoral process with respect to the nomination of members to the AANA Board of Directors and its committees. Moreover, the AANA Bylaws indicate affiliation between the state and national associations by their inclusion of seven regional directors on the AANA's Board and the provision that to be eligible to serve as a regional director, an individual must have been elected and have served at least one term as an officer of a state association and have been active in state and/or AANA affairs. The Bylaws also provide that an Assembly of States composed of members of the AANA Board of Directors, officers of affiliated state associations and other interested AANA members meet to disseminate information and/or discuss problems relevant to AANA affairs and in such a way act as an advisory group to the AANA. Accordingly, in view of the various relationships of these associations, as presented in the AANA Bylaws, the political committees of these associations have automatic or per se affiliation with each other.* See Advisory Opinion 1983-28, copy enclosed.

Based upon this affiliation, the state associations may use general treasury monies to defray the administrative and solicitation costs of CRNA-PAC. See Advisory Opinion 1979-63, copy enclosed. Also, since AANA dues finance the state associations, the state associations would be using funds originally from the AANA treasury to defray the costs of CRNA-PAC.

The state nurse anesthetist associations also may act as collecting agents under 11 CFR 102.6 for CRNA-PAC. Commission regulations provide that a connected organization of the separate segregated fund or a parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund may act as a collecting agent. See 11 CFR 102.6(b)(1)(ii) and (iii). As the state associations operate as subsidiary or local units of the AANA, they may act as collecting agents for CRNA-PAC.

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)

Lee Ann Elliott
Chairman for the Federal Election Commission

Enclosures (AOs 1983-28 and 1979-63)

* The Commission notes that you have stated that two of the state associations have established separate segregated funds. As a result of the relationship of the state associations to the AANA, these separate segregated funds are affiliated with CRNA-PAC. 2 U.S.C. 441a(a)(5), 11 CFR 110.3(a)(1)(ii)(D).