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September 7, 2000

Federal Election Commission
Office of General Counsel
999 East Street NW
Washington D.C. 20463

By: UPS

AOR 2000-25

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COMMISSION
OFFICE OF GENERAL
COUNSEL
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Please consider this letter to be a request for an advisory opinion pursuant to 11 CFR § 112.

I represent the Minnesota House of Representatives Democratic Farmer-Labor Caucus (hereinafter "House DFL Caucus"). Historically my client has been involved only in non-federal election matters, assisting its candidates in their bids for election or re-election to the Minnesota State House of Representatives. In furtherance of that non-federal purpose, my client has raised and spent significant monies. It currently has a non-federal account, which it uses to pay for those coordinated non-federal activities.

Now my client wishes also to provide assistance and staff expertise in aid of United States House of Representatives candidates. My client has determined that the success of its State Legislative candidates depends to a significant extent, on the parallel success of DFL candidates for the United States Congress. To that end, my client has created a separate federal account and has taken the initial steps to register that account as a federal account.

The House DFL Caucus now wishes to transfer a significant portion of its non-federal account to its new federal account for the purpose of assisting the campaigns of candidates for the United States House of Representatives and thereby also assisting its non-federal candidates for election to the Minnesota House of Representatives.

You are advised that in raising its funds for non-federal purposes, my client has kept track of the name and address of each person who has contributed one hundred dollars (\$100) or less to its non-federal account. The issue that we present for advisory opinion is whether or not my client may transfer amounts in excess of five thousand dollars (\$5000) from its non-federal account to its newly registered federal account. My client would propose to transfer from its non-federal account to its federal account all contributions that it has received from individuals who are United States citizens, or persons who are lawfully admitted to permanent residence in the United States, and whose contributions in the aggregate total of one hundred dollars (\$100) or less. The monies that it proposes to transfer would not include any corporate contributions, nor any labor union treasury monies, nor monies from any source that would not be permitted under the FECA.

Specifically, the question is: May the Minnesota DFL House Caucus transfer from its non-federal account to its federal account, in an unlimited amount, all monies received by that non-federal account, which would have been federally permissible monies had they been contributed to my client's federal account if it existed at the time the contribution was made?

You are further advised that in order to comply with the requirements of 11 CFR § 102.5 (a) (2) my client is prepared to send a written communication to all individuals who contributed one hundred dollars (\$100) or less to its non-federal account asking whether or not those individuals would be willing to re-designate their contributions to the federal account. The communication would state that the contribution, if so redesignated, will be used in connection with a federal election and it will inform contributors that all contributions are subject to the prohibitions and limitations of the Federal Election Campaign Act. This communication will be sent to the contributors if the commission is of the opinion that by doing so the House DFL Caucus may transfer individual contributions of one hundred dollars (\$100) or less from its non-federal account to its federal account without violating any provisions of the Federal Elections Campaign Act. A copy of the proposed communication is attached.

Request is further made that the sixty (60) calendar day period set forth in 11 CFR § 112.4 (a) be reduced to twenty (20) calendar days under the provisions of 11 CFR § 112.4 (b). Since the Minnesota Primary Election is scheduled to be held September 12, 2000, the favor of an expedited response to this inquiry will be appreciated.

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I also represent Congressman Martin O. Sabo, a candidate for re-election to the United States House of Representatives from Minnesota's Fifth Congressional District, who would be a beneficiary of the House DFL Caucus federal campaign activity and contributions. Congressman Sabo joins in this request for expedited consideration.

Thank you for your prompt attention to this request.



ALAN W. WEINBLATT

FOR

WEINBLATT & GAYLORD PLC

AWW, mka

Enclosure

cc: House DFL Caucus

Congressman Martin O. Sabo

September 6, 2000

Dear House Democratic Farmer-Labor Caucus Contributor:

You have previously made a generous contribution to the DFL House Caucus in the amount of \$_____. The Caucus believes that it will be helpful to the election and re-election of DFL'ers to the Minnesota House of Representatives if we can also provide assistance to DFL candidates for the United States Congress and thus enjoy the benefits of multi-candidate campaigns.

In order to comply with applicable Federal law, we are asking you to consider redesignating your contribution to the House DFL Caucus' Federal account. If you will do so, your contribution will be used in connection with a federal election. All such contributions are subject to the prohibitions and limitations of the Federal Election Campaign Act.

If this redesignation is agreeable to you, please sign and date the bottom part of this letter and return it to the Caucus in the enclosed envelope.

As always, thank you for your generosity.

Yes, I hereby agree to redesignate my contribution to the House DFL Caucus federal account. I understand that it will be used in connection with a federal election and that all such contributions are subject to the prohibitions and limitations of the Federal Election Campaign Act.

September _____, 2000
