

OC 3626

91 DEC -5 1110:24

Roger Faulkner  
U.S. Senate Candidate  
126 North Blair, Apt. 3  
Madison, Wisconsin 53703

December 2, 1991

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, DC 20463

RE: Advisory Opinion Request

91 DEC -5 PM12:09

A previous Advisory Opinion 1980-49 clearly indicates that campaign contributions can be used for ordinary personal living expenses of the candidate. That advisory opinion also points out that the possible tax ramifications of such payments are beyond the scope of the Advisory Opinion.

I propose to be paid a salary by my campaign committee. I believe that the impact of Advisory Opinion 1980-49 is that various expenses of the candidate, including non tax-deductible items such as rent and child support, could be paid by the Campaign Committee as long as adequate records are kept and the candidate complies with any relevant IRS regulations.

I propose to split my tax-deductible living expenses during the campaign (travel, meals on the road, and lodging while traveling for example) from other expenses which are allowed under Federal election laws, but which are not tax deductible according to IRS rules. Therefore, I propose to pay myself a salary for campaigning for office. This salary would be fully taxable, and would be publicly reported.

I believe that the intent of the law and the impact of Advisory Opinion 1980-49 support the idea that a poor man should not be prevented from running for federal office simply because he requires an income in order to make the commitment to be a full time candidate.

I propose for my campaign committee to pay me a salary of not more than \$3000 per month to campaign and/or to manage my campaign. This is less money than I made in my recent employment as a research scientist.

Sincerely,

*Roger Faulkner*

Roger Faulkner  
U.S. Senate Candidate



**FEDERAL ELECTION COMMISSION**

WASHINGTON DC 20463

December 10, 1991

**Roger Faulkner  
126 North Blair  
Apartment 3  
Madison, WI 53703**

**Dear Mr. Faulkner:**

**This refers to your letter dated December 2, 1991, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the payment of a salary by your campaign committee to you.**

**You propose that your campaign committee pay you a salary of not more than \$3,000 per month to campaign and to manage your campaign. You propose**

**to split [your] tax-deductible living expenses during the campaign (travel, meals on the road, and lodging while traveling for example) from other expenses which are allowed under Federal election laws, but which are not tax deductible according to IRS rules.**

**The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).**

**In view of the cited requirements, you will need to state clearly whether you are seeking an advisory opinion from the Commission. If you are seeking an advisory opinion, you will need to provide clarification as to the activities presented in the third paragraph of your letter and what is meant by splitting your tax-deductible living expenses from other expenses. In particular, you should state whether you propose that the committee reimburse you for certain personal expenses incurred while on campaign business as well as pay a salary, or that the committee only pay you a salary from which you will cover your personal expenses. If the former, you should state what personal expenses will be reimbursed by the committee and what will be paid for by salary. In**

Letter to Roger Faulkner  
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addition, please explain the bases for such a split in expenses.

For your information and guidance, we have enclosed Advisory Opinions 1987-1, 1984-8, and 1983-1.

Upon receiving your response with the clarifications referred to above, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the cited opinions, the advisory opinion process, or this letter, please contact the undersigned.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: 

N. Bradley Litchfield  
Associate General Counsel

Enclosures

ELC 3986

RECEIVED  
F.E.C.  
COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION

92 JAN -6 AM 10:01

92 JAN -6 PM 1:51  
Roger W. Faulkner  
U.S. Senate Candidate  
126 North Blair Street  
Madison, Wisconsin 53703

January 3, 1992

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Sir,

ACR 1992-1

92 JAN -6 PM 3:43

FEDERAL ELECTION COMMISSION

I hereby request an advisory opinion regarding the legality of the plans which I have developed with my principle campaign committee to cover my personal living expenses during my campaign for the Senate. These plans are as follows.

A contractual arrangement shall be entered into between myself and my campaign committee, which grants me a salary of \$3,000 per month. I shall be obligated by the contract to provide services to the campaign committee, including the management of the campaign and making appearances on behalf of the campaign committee. The contract will cover the period from February 1, 1992 until the end of the month following the last election for the U.S. Senate in which I am officially a candidate in 1992. If I am defeated in the primary election, this implies that the contract will be for the period February 1 - September 30. If I make it into the general election, then the contract between myself and my campaign committee shall cover the period February 1 - November 30, 1992.

I will cover all personal expenses incurred during my campaign out of my (taxable) salary from my principle campaign committee. This includes rent, food while at home, child support, health care, utilities, and insurance. Additional expenses which I may incur, which are directly chargeable to the campaign, shall be reimbursed to me by the campaign if and only if I provide the campaign committee treasurer with receipts for such expenses. Such reimbursable expenses include, for example, travel, lodging, and meal expenses while on campaign business; photocopying, postage, and telephone expenses while making calls on behalf of the campaign.

Please advise me as to the legality of the above proposed financial arrangements before February 1 if possible

Sincerely,

*Roger Faulkner*

Roger Faulkner  
U.S. Senate Candidate

cc: Keith Klipstein, Principle Committee Treasurer