

RECEIVED  
FEC MAIL  
OPERATIONS CENTER

2005 JUN 27 P 4: 17

Perkins  
Coie

Marc E. Elias  
PHONE: 202.434.1625  
FAX: 202.654.9126  
EMAIL: melias@perkinscoie.com

607 Fourteenth Street N.W.  
Washington, D.C. 20005-2011  
PHONE: 202.628.6600  
FAX: 202.434.1690  
www.perkinscoie.com

AOR 2005-09

June 27, 2005

Lawrence Norton, Esq.  
Federal Election Commission  
Office of the General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: Advisory Opinion Request**

Dear Mr. Norton:

This letter constitutes a request for an advisory opinion on behalf of Friends of Chris Dodd 2004 ("the Committee"), the principal campaign committee of Senator Christopher Dodd, regarding the use of campaign funds to pay for the travel-related expenses of Senator Dodd's minor children.

**Factual Background**

Senator Dodd is the senior United States Senator from the State of Connecticut. As an elected official with constituent obligations in his home state, Senator Dodd travels on a regular basis between Washington, D.C. and his home in Connecticut. Senator Dodd's travel is paid for in accordance with Senate and Commission rules and regulations.

Senator Dodd's wife frequently travels with him between Washington, D.C. and Connecticut to participate in events that are related to his official duties, such as fact-finding events, speaking engagements, and constituent meetings. Senate ethics rules specifically allow him to use campaign funds to pay his wife's travel expenses when she accompanies him to these events. *See, e.g.*, Senate Select Comm. on Ethics, United States Senate, Senate Ethics Manual, at 120 (2003).

Senator Dodd and his wife have two daughters; one is three years old and the other is an infant. Due to their young ages, Senator Dodd and his wife must bring their daughters on trips between Washington, D.C. and Connecticut regardless of whether the

2005 JUN 28 A 9: 20  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Lawrence Norton, Esq.  
Federal Election Commission  
June 27, 2005  
Page 2

travel is for campaign or official purposes. Previous Commission advisory opinions have specifically allowed the use of campaign funds to pay for such travel when the purpose of the travel is campaign related. *See* Advisory Op. 1995-20. The Committee wishes to clarify the permissibility of the Committee's use of campaign funds to pay for the travel expenses of Senator Dodd's children when the purpose of the travel is to attend officially-connected events.

### Discussion

A candidate and a candidate's committee have wide discretion when making expenditures to influence the candidate's election. A candidate or officeholder may use campaign funds to pay for "authorized expenditures in connection with" his or her campaign, and for "ordinary and necessary expenses incurred in connection with" his or her duties as a federal officeholder. 2 U.S.C. § 439a. Specifically, Commission rules allow campaign funds to be used to pay for expenses as long as the expenses would not exist "irrespective of the candidate's campaign or duties as a Federal officeholder." 11 C.F.R. § 113.1.

In its Explanation and Justification for the personal use rules originally promulgated in 1995, the Commission indicated its position that "[i]f the candidate can reasonably show that the expenses at issue *resulted from campaign or officeholder activities*, the Commission will not consider the use to be personal use." Explanation and Justification of Final Rules on Personal Use of Campaign Funds, 60 Fed. Reg. 7,862, 7,867 (Feb. 9, 1995) (emphasis added). The Commission has indicated that it did not intend to alter its application of the "irrespective test" or its analysis of travel expenses when it amended the personal use rules to implement the Bipartisan Campaign Reform Act. Explanation and Justification of Final Rules on Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,970, 76,973 (Dec. 13, 2002).

Senator Dodd and his wife bring their daughters with them when they travel between Washington, D.C. and Connecticut to attend officially-connected events. Any expenses incurred to enable Senator Dodd's daughter to travel with her parents when they attend these events "result[] from" Senator Dodd's duties as a federal officeholder. Accordingly, the Committee understands it should be permitted to use campaign funds to pay for their travel expenses. *See* Explanation and Justification of Final Rules, 60 Fed. Reg. at 7,867.

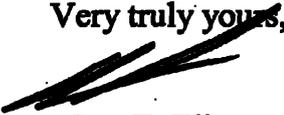
Lawrence Norton, Esq.  
Federal Election Commission  
June 27, 2005  
Page 3

The situation here is analogous to the one the Commission addressed in Advisory Op. 1995-20, wherein a Member of Congress sought approval to use campaign funds to pay for the travel expenses of his two young children when they accompanied him and his wife to campaign events. The children were not always traveling to participate personally in the campaign events, but instead to "remain near their parents." The Commission concluded that campaign funds could be used to pay for the travel because "the expenditure is (1) only required because of the campaign, and (2) campaign-related travel in that it is to the district in order for [the Member and his] wife to participate in campaign events." Advisory Op. 1995-20.

Similarly, although Senator Dodd's daughters do not generally participate in officially-connected events, their travel expenses are "only required because of" his duties as an officeholder – to enable him and his wife to travel between Connecticut and Washington, D.C. to attend events in connection with his official duties. The Committee therefore believes the Commission's personal use rules should not prohibit it from paying for these expenses with campaign funds.

Please do not hesitate to call me should you have any questions about this request.

Very truly yours,



Marc E. Elias  
Counsel to Friends of Chris Dodd 2004

cc: FEC Commissioners:  
Scott E. Thomas, Chairman  
Michael E. Toner, Vice Chairman  
David M. Mason  
Danny L. McDonald  
Bradley A. Smith  
Ellen L. Weintraub



"Gordon, Rebecca"  
<RGordon@perkinscoie.com  
>  
07/15/2005 01:20 PM

To <bdeutsch@fec.gov>  
cc "Elias, Marc" <MElias@perkinscoie.com>  
Subject Advisory Opinion request

Brad:

Per our conversation today, I am writing on behalf of Friends of Chris Dodd 2004 (the "Committee") with respect to the advisory opinion request Marc Elias of my firm submitted on the Committee's behalf on June 27, 2005. This email is intended to clarify two points you have raised with respect to the request.

First, Senator Dodd has two young children, and the request was intended to confirm the permissibility of using campaign funds to pay for the travel expenses of both of these children.

Second, although Senator Dodd owns real property in Washington, DC, he and his family make their home in Connecticut (where he also owns a house).

I hope this information is sufficient. Please don't hesitate to call me should you have further questions.

Best,

Rebecca Gordon

Rebecca H. Gordon  
Associate  
Perkins Coie  
p: 202.434.1676  
f: 202.654.9666  
rgordon@perkinscoie.com

**NOTICE:** This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

**IMPORTANT TAX INFORMATION:** This communication is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended.