

pac for a change

Sim Farar, Treasurer

Senator Barbara Boxer, Chair

Douglas Boxer, Pac Director

Sent Via Facsimile & US Mail

January 10, 2006

Mr. Lawrence H. Norton
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

AOR 2006-01

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 JAN 11 A 11:35

RE: Request for Advisory Opinion

Dear Mr. Norton:

I am the Pac Director for Pac for a Change, a federal registered political action committee formed by Senator Barbara Boxer, FEC ID COO342048, and write today seeking an Advisory Opinion from you regarding the permissibility under federal law and guidelines for Pac for a Change to undertake the fundraising proposal explained below.

Pac for a Change proposes to provide copies of "A Time to Run," a novel written by Senator Boxer, to any person who raises at least \$100 for Pac for a Change in a given time period. The inside cover of the book will be signed by Senator Boxer. Pac for a Change will implement best efforts to ensure all required information from donors is collected, and that all contributed funds will not come from prohibited sources.

In order to provide the signed copies of the book, Pac for a Change will purchase the books directly from the publisher, Chronicle Books, at the fair market value of the books, which is the standard price the publisher charges other large purchasers. Under no circumstances shall Senator Boxer receive any royalties or other benefits from the sale of any book purchased by Pac for a Change. In fact, Senator Boxer will send a letter to Chronicle books indicating that no royalties will be paid to her, nor shall any other benefit accrue to her from the sales of books under this promotion.

On December 21, 2005, Senator Boxer received a written opinion from the Senate Ethics Committee, which is attached, indicating the above-described proposal does not violate any Senate Ethics rules. As you will see, the Ethics Committee suggests that we also receive an opinion from the Federal Elections Commission.

Letter to Lawrence H. Norton
January 10, 2006
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Please do not hesitate to contact me at (510) 286-2937 should you have any questions about this letter or the proposal described. Thank you very much for your attention to this matter.

Sincerely,



Douglas Boxer
Pac Director

Attachment

GEORGE W. HORNSTON, CHIEF, CHAIRMAN
TIM JOHNSON, SOUTH DAKOTA, VICE CHAIRMAN

Telephone: (202) 224-2801
Facsimile: (202) 224-7410

PAT ROBERTS, KANSAS DANIEL AKAKA, HAWAII
CRANE THOMAS, WYOMING MAURE FYFORD, ARIZONA

ROBERT L. WALKER, CHIEF COUNSEL AND STAFF DIRECTOR
ANNETTE GALLIN, DEPUTY STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON ETHICS
HART SENATE OFFICE BUILDING, ROOM 220
SECOND AND CONSTITUTION AVENUE, NE
WASHINGTON, DC 20510-8425

December 21, 2005

Ms. Karen Olick
Office of Senator Barbara Boxer
United States Senate
Washington, D.C. 20510

Dear Ms. Olick:

This responds to your December 20, 2005, facsimile to the Committee and conversations between you and Ethics Committee staff regarding Senator Barbara Boxer's plans to give signed copies of her book to donors to her Leadership PAC, if they contribute a certain dollar amount. The Senator plans to either purchase the books with her own personal funds or with Leadership PAC funds. You also state in your letter that "[i]n either case [purchase with Leadership PAC funds or purchase with personal funds], Senator Boxer will not get any money from these books." You represent to the Committee that the publisher will retain the royalties.

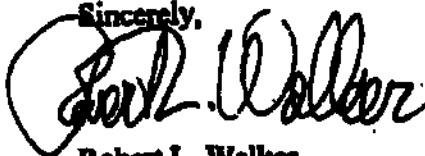
Also based on your representations, it appears that the books purchased with either the Senator's Leadership PAC funds or her personal funds will not be offered or made available to persons other than political contributors as gifts. The Senator's Leadership PAC will not sell the copies it receives or ask that they be purchased.

If the Senator pays for the books with her personal funds, the terms of the purchase must be no more favorable than those set forth in the book contract previously reviewed and approved by this Committee. Similarly, if the PAC purchases the books, the transaction should be conducted at arm's length, at the standard fair market price that the publisher, pursuant to its normal practice, would make available to other large purchasers.

Based on the representations made to the Committee in this matter, and in light of the conditions set forth above, it appears that pursuant to relevant Senate standards, Senator Boxer may use her personal funds to purchase, or her PAC may purchase, copies of her recent book to provide to donors to her PAC. You should also contact the Federal Election Commission, however, to confirm that it would be appropriate under federal election laws and regulations for the PAC to use its funds for the purchase of the books.

I hope this information is helpful. If you have any further questions, please do not hesitate to contact the Committee.

Sincerely,



Robert L. Walker
Chief Counsel
and Staff Director