



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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MEMORANDUM

**AGENDA ITEM**  
For Meeting of: 02-08-07

To: The Commission

From: Commissioner Ellen L. Weintraub *EW*

Date: February 7, 2007

RE: AO 2006-38

**SUBMITTED LATE**

Attached please find proposed revisions to Page 5 of Agenda Document No. 07-06 regarding Advisory Opinion 2006-38.

1 Senator Casey is a Federal officeholder and candidate, and the State Committee is  
2 an entity directly established, financed, maintained, or controlled by him. Donating to a  
3 State or local candidate or to the non-Federal account of any State or local Democratic  
4 party organization would involve transferring, spending, or disbursing funds in  
5 connection with a non-Federal election. Therefore, any funds that are transferred, spent,  
6 or disbursed must be federally permissible – they must not have been received by the  
7 State Committee in amounts in excess of those permitted with respect to contributions to  
8 Federal candidates and must not be from prohibited sources. See 2 U.S.C. 441i(e)(1)(B)  
9 and 11 CFR 300.62; see also Advisory Opinion 2005-5 (LaHood). The Act and  
10 Commission regulations permit the State Committee to use the accounting method  
11 described in Question 1 to determine which funds already raised by the State Committee  
12 are federally permissible. Once that is determined, the Committee may donate any  
13 amount of such funds to State and local candidates or to the non-Federal accounts of  
14 State and local Democratic party organizations without further restriction under 2 U.S.C.  
15 441i(e)(1)(B) and 11 CFR 300.62, provided that such donations are consistent with  
16 Pennsylvania law. Thus, because the Commonwealth of Pennsylvania allows unlimited  
17 donations from one State candidate committee to another, the State Committee may  
18 donate any amount of federally permissible funds remaining in its 2004 campaign  
19 account to State candidates.

20 *Question 3: May the State Committee use its federally permissible funds to pay for travel*  
21 *by Senator Casey or one of his agents that is undertaken solely in connection with*  
22 *campaign events for State or local candidates or for other events that are solely in*  
23 *connection with State or local elections, as permitted by State law?*

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~~Deleted: You represent that the State Committee plans to donate only federally permissible funds to State and local candidates and the nonfederal accounts of State and local Democratic party organizations and that such donations are consistent with Pennsylvania law. Accordingly, I~~

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