

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

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DANIEL E. LUNGREN CALIFORNIA
RANKING MINORITY MEMBER

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 APR 24 P 4: 27

April 24, 2009

Mr. Steven T. Walther
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Mr. Matthew S. Petersen
Vice-Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Comment on
AOR 2009-08

Dear Chairman Walther and Vice-Chairman Petersen:

We write to express our views regarding Advisory Opinion Request 2009-08 by our colleague Representative Elton Gallegly. Rep. Gallegly is requesting authorization to use campaign funds to enhance security on his property because of threats to him and his family from an admitted drug user who has violated a restraining order and the terms of his probation. We urge the Commission to support our colleague's request.

We believe that candidates for Federal office should be able to use campaign funds for the enhancement of security of their residence for their safety when safety concerns arise as a result of their status as candidates. Section § 113.1 - § 113.4 of Title 11 of the Code of Federal Regulations should be understood to give federal candidates discretion to use campaign funds for this purpose. While section 113.1(g)(1)(i)(E) of Title 11 prohibits the use of campaign funds for the payment of mortgage, rent and utility payments, an exception for long distance calls made for campaign purposes from the candidate's residence has been granted. An additional exception should be granted to cover the use of campaign funds for paying for the enhancement of security upgrades when the need for these upgrades arises out of the candidate's status.

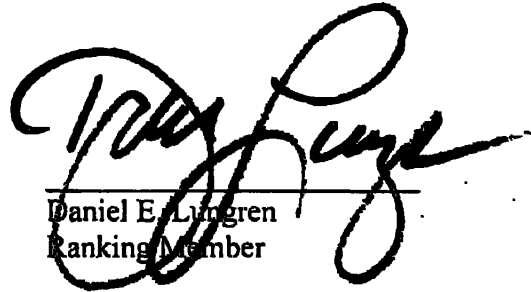
In this case, Congressman Gallegly has exhausted other means to address the threats to him and his family and the United States Capitol Police have recommended that he upgrade his home security system for his protection and the protection of his family. But for Representative Gallegly's status as a candidate for and Member of Congress, who has exhausted other methods to deal with the problem, he and his family would not have been targeted and threatened by this individual. The cost of the security upgrades, between \$6,000 and \$7,500, would not involve any structural improvements to the property, and are not intended to increase the value of the property; it would purely be used for the safety of the candidate and his family.

If you have comments, questions or concerns, please do not hesitate to contact us or our staffers, Thomas Hicks at (202) 225-2061 and Peter Schalestock at (202) 225-8281.

Sincerely,



Robert A. Brady
Chairman



Daniel E. Lungren
Ranking Member

Cc: Ms. Cynthia Bauerly, Commissioner, Federal Election Commission
Ms. Caroline Hunter, Commissioner, Federal Election Commission
Mr. Donald F. McGahn II, Commissioner, Federal Election Commission
Ms. Ellen Weintraub, Commissioner, Federal Election Commission
Ms. Thomasenia Duncan, General Counsel, Federal Election Commission