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ATTORNEYS AT LAW

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COMMISSION

2009 SEP -9 AM 7:55

OFFICE OF GENERAL
COUNSEL

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Washington, DC 20037
202-457-6000

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September 8, 2009

William J. McGinley
202-457-6000
wmginley@pattonboggs.com

VIA EMAIL

Thomasesia P. Duncan, Esquire
General Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

AOR: _____

AOR 2009-26

Re: Advisory Opinion Request
The Honorable Elizabeth Coulson, Illinois State Representative
Coulson for Congress
Coulson Campaign Committee

Dear Ms. Duncan:

Pursuant to 2 U.S.C. § 437f and 11 C.F.R. § 112.1, State Representative Elizabeth Coulson, Coulson for Congress ("CFC"), and Coulson Campaign Committee ("CCC") (collectively "Requestors"), through counsel, hereby submit this request for an Advisory Opinion. Specifically, Requestors are requesting an advisory opinion regarding the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("Commission") regulations to specific constituent programs sponsored by State Representative Elizabeth Coulson. In addition, we respectfully request that the Commission consider this Advisory Opinion Request on an expedited basis, because the activities described below are scheduled to occur in the near future.

State Representative Elizabeth Coulson has served the 17th state legislative district of Illinois since 1997. She filed her FEC Form 2 to declare her candidacy for the 10th congressional district of Illinois on August 22, 2009. CFC's FEC Form 1 was filed on August 22, 2009. The 17th state legislative district is one of several comprising the 10th congressional district. The Illinois congressional primary is scheduled to be held on February 2, 2010.

Representative Coulson maintains a state campaign committee, Coulson Campaign Committee ("CCC"), which is registered with and reports to the Illinois State Board of Elections ("ISBE"). In its semiannual report filed with ISBE on July 17, 2009, CCC reported cash-on-hand of \$101,827.05, no receipts during the relevant period, and a minor amount of disbursements.

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A copy of CCC's semiannual report is attached as Exhibit A. In accordance with Illinois law, Representative Coulson receives an office allowance for the purpose of defraying official office, personnel and constituent services expenses, and she may also use state campaign funds to help defray such expenses. *See* 10 ILCS 5/9-8.10(c). There are no limits on the amount individuals, corporations, and labor unions may contribute to state campaign committees. *See generally* 10 ILCS 5/9. Representative Coulson has not solicited any donations to CCC since she became a federal candidate.

For the last eight years, Representative Coulson has sponsored a "seniors fair" in her state district at a local community seniors center. At the fair, local businesses set up exhibition booths where they provide information to the attendees about their goods or services. The businesses do not pay to participate. In the past, some businesses have distributed free samples and water bottles to the seniors displaying company logos. None of the water bottles or free samples reference Representative Coulson. In addition, a local hospital has traditionally provided free flu shots and cholesterol screening to seniors at the event.

In order to promote the event, Representative Coulson mails approximately 12,000 postcards to seniors residing in her state district informing them of the date, time and location of the fair. A copy of last year's mailing is attached as Exhibit B. The phone number listed in the mailer is Representative Coulson's district office, and not her state campaign. In the past, the mailings have been paid for by either Representative Coulson's state legislative office account or her state campaign in accordance with Illinois law. *See* 10 ILCS 5/9-8.10(c). The 2009 fair is scheduled for October 12, 2009, and the postcards are typically mailed two weeks before the event. Representative Coulson intends to pay for this year's mailing with funds from her official office account or CCC.

For the last four years, Representative Coulson has mailed a health care "legislative update" to health care professionals in her state district. The letter lists the various health care legislative proposals being considered by the Illinois legislature and updates constituents concerning Representative Coulson's legislative efforts on their behalf. The letters are sent to approximately 4,000 recipients in her district. In the past, this mailing has been paid for by either Representative Coulson's state legislative office account or her state campaign in accordance with Illinois law. *See* 10 ILCS 5/9-8.10(c). A copy of one such mailing is attached for your review as Exhibit C. The 2009 mailing is scheduled to occur sometime in October, and will be paid for by Representative Coulson's official office account or CCC.

The purpose of these constituent activities is to support Representative Coulson in her state officeholder capacity, and not to promote her candidacy for federal office. Representative Coulson intends to continue serving in the state legislature while she campaigns for federal office, and these activities are important constituent programs. The mailings and event described above

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have not, and will not, be used by Representative Coulson or her agents to solicit contributions for CFC. Similarly, at no point will the mailings or event be used to expressly advocate Representative Coulson's federal candidacy, or promote or support her federal candidacy or attack or oppose any of her federal election opponents. The mailings will be distributed only to Representative Coulson's state legislative constituents and no mailings will be distributed outside the district. Moreover, the scope and frequency of the mailings will be unchanged from previous years when Representative Coulson was not a federal candidate.

The Act, as amended by the Bipartisan Campaign Reform Act of 2002 ("BCRA"), regulates the activities of federal candidates, their agents, and entities directly or indirectly controlled by federal candidates when they raise or spend funds in connection with federal and non-federal elections. 2 U.S.C. § 441i(e); 11 C.F.R. §§ 300.60-300.65. These regulations prohibit federal candidates and their agents from spending or disbursing funds in connection with any state or local election, unless the funds comply the source prohibitions and amount limitations under the Act and applicable state law. 2 U.S.C. § 441i(e)(1)(B); 11 C.F.R. § 300.62.

In prior Advisory Opinions, the Commission has permitted federal candidates and officeholders to use their state campaign committees to pay for various state election expenses and activities. In FEC AO 2006-38 (Casey), the Commission permitted a federal officeholder to use funds that comply with both the Act and state law in his state campaign committee to pay for travel by the federal officeholder and his agents in connection with state and local candidate events and other state and local election activities. Likewise, in FEC AO 2007-26, the Commission permitted a federal candidate to use federally permissible funds in his state campaign committee to make donations to a state party committee's non-federal account and to state and local candidates. Finally, in Advisory Opinion 1999-11, the Commission held that the payment by a state officeholder's campaign committee for certain constituent activities did not result in an in-kind contribution to a state officeholder's federal campaign committee. Specifically, the Commission held that the weekly coffees held in various restaurants throughout the state senator's district and billboards advertising the coffees did not run afoul of the Act or Commission regulations.

Requestors seek to confirm that Representative Coulson's activities, as described above, comply with the Act and Commission regulations. Based on the foregoing, using Representative Coulson's state office account or the remaining funds in CCC to pay for the constituent programs described above does not violate the non-federal funds prohibition applicable to federal candidates and their agents, constitute an in-kind contribution to CFC, or coordinated

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communications under 11 C.F.R. § 109.21. Requestors, however, seek to confirm that the following activities will not violate the Act or Commission regulations:

1. Representative Coulson's state office account or state campaign may pay for the mailing to constituents publicizing the "seniors fair" and the health care legislative update, in the same manner as when she was not a federal candidate;
2. Representative Coulson may sponsor the fair as a service to her constituents in her capacity as a state representative;
3. If the Commission determines that the activities described in paragraphs 1 and 2 are inappropriate, CCC may instead use a reasonable accounting method to identify donations permissible under the Act, Commission regulations and Illinois law to pay for all of the constituent services described above; and
4. If the Commission determines that the activities described in paragraphs 1, 2 and 3 are inappropriate, CFC may pay for constituent services described above.

Thank you in advance for your prompt attention to this request. Once again, we respectfully request that the Commission consider this Advisory Opinion Request on an expedited basis because the activities described below are scheduled to occur in the near future.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William J. McGinley
Kathryn Biber Chen

Attachments

Exhibit A

FORM D-2

**REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES
Semiannual Report**

**FOR OFFICE USE ONLY
IDENTIFICATION NO.
S 8474**

Coulson Campaign Cmte
PO Box 2344
Glenview, IL 60025-2344

**FILED
7/17/2009
6:23:14PM**

REPORTING PERIOD 1/1/2009 thru 6/30/2009	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD	SECTION B - EXPENDITURES	
	\$118,699.99		
SECTION A - RECEIPTS			
1. Individual Contributions:		6. Transfers Out:	
a. Itemized (from Schedule A)	\$ 0.00	a. Itemized (from Schedule B)	\$ 2,500.00
b. Not-Itemized.....	\$ 0.00	b. Not-Itemized.....	\$ 363.00
2. Transfers In:		7. Loans made:	
a. Itemized (from Schedule A)	\$ 0.00	a. Itemized (from Schedule B)	\$ 0.00
b. Not-Itemized.....	\$ 0.00	b. Not-Itemized.....	\$ 0.00
3. Loans Received:		8. Expenditures:	
a. Itemized (from Schedule A)	\$ 0.00	a. Itemized (from Schedule B)	\$ 12,650.42
b. Not-Itemized.....	\$ 0.00	b. Not-Itemized.....	\$ 1,359.52
4. Other Receipts:		TOTAL EXPENDITURES (6-8)..	\$ 16,872.94
a. Itemized (from Schedule A)	\$ 0.00	SECTION C - DEBTS AND OBLIGATIONS	
b. Not-Itemized.....	\$ 0.00	9. a. Itemized (from Schedule C)...	\$ 0.00
TOTAL RECEIPTS (1-4).....	\$ 0.00	b. Not-Itemized.....	\$ 0.00
5. In-Kind Contributions:		TOTAL DEBTS AND OBLIGATIONS	\$ 0.00
a. Itemized (from Schedule I)	\$ 0.00	SECTION D - CASH BALANCE	
b. Not-Itemized.....	\$ 63.30	Funds available at the beginning	
TOTAL IN-KIND.....	\$ 63.30	of the reporting period.....	\$ 118,699.99
		Total Receipts (Section A).....	\$ 0.00
		Subtotal.....	\$ 118,699.99
		Total Expenditures (Section B).....	\$ 16,872.94
		Funds available at the close of	
		the reporting period.....	\$ 101,827.05
		
		Investment Total.....	\$ 0.00

Filed Electronically

NAME OF POLITICAL COMMITTEE
Coulson Campaign Cmte

REPORTING PERIOD
1/1/2009 thru 6/30/2009

FILED
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6:23:14PM

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IDENTIFICATION NO.
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SCHEDULE B

PART 6 - TRANSFERS OUT

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
House Republican Organization P O Box 409 Plainfield, IL 60544	6/8/2009	\$2,500.00	\$2,500.00
Purpose: Event Tickets	Beneficiary: Committee		
TOTAL FOR THIS PART:			\$2,500.00

NAME OF POLITICAL COMMITTEE
Coulson Campaign Cmte

REPORTING PERIOD
1/1/2009 thru 6/30/2009

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IDENTIFICATION NO. ...
S 8474

SCHEDULE B

PART 8 - EXPENDITURES

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
AT&T Mobility P O Box 806055 Chicago, IL 60655	1/22/2009	\$248.50	\$921.51
Purpose: Telephone	Beneficiary: Committee		
	3/4/2009	\$153.29	\$921.51
Purpose: Telephone	Beneficiary: Committee		
	3/30/2009	\$153.74	\$921.51
Purpose: Telephone	Beneficiary: Committee		
	4/23/2009	\$210.99	\$921.51
Purpose: Telephone	Beneficiary: Committee		
	5/22/2009	\$154.99	\$921.51
Purpose: Telephone	Beneficiary: Committee		
Belkov,, Jennifer 6444 Lyons Ave Morton Grove, IL 60053	4/20/2009	\$1,500.00	\$1,500.00
Purpose: Campaign Work	Beneficiary: Committee		
C3 Systems 331 Vance Street Lombard, IL 60148	4/20/2009	\$330.27	\$440.36
Purpose: Website Hosting	Beneficiary: Committee		
	6/9/2009	\$110.09	\$440.36
Purpose: Website Hosting	Beneficiary: Committee		
Chicago Jewish Star P O Box 268 Skokie, IL 60077	1/20/2009	\$252.00	\$504.00
Purpose: Campaign Advertising	Beneficiary: Committee		
	4/20/2009	\$252.00	\$504.00
Purpose: Campaign Advertising	Beneficiary: Committee		

NAME OF POLITICAL COMMITTEE
Coulson Campaign Cmte

REPORTING PERIOD
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SCHEDULE B

PART 8 - EXPENDITURES

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Earthlink P O Box 7645 Atlanta, GA 30357	1/20/2009	\$131.70	\$263.40
Purpose: Internet Subscription	Beneficiary: Committee		
	8/10/2009	\$131.70	\$263.40
Purpose: Internet Subscription	Beneficiary: Committee		
Hershey Company 100 Crystal A Drive Hershey, PA 17033	1/20/2009	\$195.54	\$195.54
Purpose: Gifts	Beneficiary: Committee		
iContact 2635 Merian Pkwy Ste 200 Durham, NC 27713	6/2/2009	\$423.00	\$423.00
Purpose: Constituent Newsletter	Beneficiary: Committee		
Naples Beach Hotel 851 Gulf Shore Blvd N Naples, FL 34102	6/10/2009	\$522.33	\$522.33
Purpose: Lodging for Legislators Forum	Beneficiary: Committee		
Omaha Steaks 11030 O St Omaha, NE 68103	1/20/2009	\$43.98	\$265.90
Purpose: Gift	Beneficiary: Committee		
	1/20/2009	\$43.98	\$265.90
Purpose: Gift	Beneficiary: Committee		
	1/20/2009	\$43.98	\$265.90
Purpose: Gift	Beneficiary: Committee		
	1/20/2009	\$66.98	\$265.90
Purpose: Gift	Beneficiary: Committee		
	1/20/2009	\$66.98	\$265.90
Purpose: Gift	Beneficiary: Committee		

NAME OF POLITICAL COMMITTEE
Coulson Campaign Cmte

REPORTING PERIOD
1/1/2009 thru 6/30/2009

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7/17/2009
6:23:14PM

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S 6474

SCHEDULE B

PART 8 - EXPENDITURES

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
P & M Silk Screen Inc 630 Kimble Ct Southern View, IL 62703	4/27/2009	\$206.88	\$206.88
Purpose: Canvas Bags	Beneficiary: Committee		
Sangamo Club 227 E Adams St Springfield, IL 62701	2/18/2009	\$141.16	\$680.89
Purpose: Inaugural Dinner	Beneficiary: Committee		
Purpose: Dinner Meeting	4/20/2009	\$58.47	\$680.89
	Beneficiary: Committee		
Purpose: Dues	4/20/2009	\$145.50	\$680.89
	Beneficiary: Committee		
Purpose: Dinner Meeting	5/22/2009	\$90.86	\$680.89
	Beneficiary: Committee		
Purpose: Dinner Meeting	5/29/2009	\$244.90	\$680.89
	Beneficiary: Committee		
Shafernich,, Sandra 1932 DeCook Ave. Park Ridge, IL 60068	1/7/2009	\$5,000.00	\$5,000.00
Purpose: Campaign Work	Beneficiary: Committee		
Skokie Chamber of Commerce 5002 Oakton St. Skokie, IL 60076	1/20/2009	\$210.00	\$280.00
Purpose: Dues	Beneficiary: Committee		
Purpose: Advertisement	4/20/2009	\$50.00	\$280.00
	Beneficiary: Committee		
Skokie Festival of Cultures 9300 Weber Park Place Skokie, IL 60077	1/23/2009	\$100.00	\$325.00
Purpose: Advertising	Beneficiary: Committee		
Purpose: Booth Rental	4/20/2009	\$225.00	\$325.00
	Beneficiary: Committee		

NAME OF POLITICAL COMMITTEE
Coulson Campaign Cmte

REPORTING PERIOD
1/1/2009 thru 6/30/2009

FILED
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6:23:14PM

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SCHEDULE B

PART 8 - EXPENDITURES

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
The Chicago Jewish News 5301 W. Dempster St. Skokie, IL 60077	1/20/2009	\$229.50	\$446.25
Purpose: Advertisement	Beneficiary: Committee		
	4/20/2009	\$218.75	\$446.25
Purpose: Advertisement	Beneficiary: Committee		
Urquhart Media LLC 118 N Clinton St Ste 102 Chicago, IL 60661	3/13/2009	\$440.36	\$440.36
Purpose: Website Hosting	Beneficiary: Committee		
Wilmette Chamber of Commerce 1150 Wilmette Ave. Wilmette, IL 60091	1/20/2009	\$190.00	\$255.00
Purpose: Dues	Beneficiary: Committee		
	5/12/2009	\$65.00	\$255.00
Purpose: Sidewalk Sale	Beneficiary: Committee		
TOTAL FOR THIS PART:			\$12,650.42

Exhibit B

State Representative

Elizabeth Coulson's

Senior Expo 2004



✓ **FREE** admission!

✓ **FREE** refreshments!

Representatives of state and local organizations will be on hand to promote senior citizens' health and safety programs and services that are available. This is an opportunity for senior citizens to visit various booths and gather information.

Senior Expo 2004

When:

August 25th
10 a.m.-2 p.m.

Where:

Weber Center
9300 Weber Park Place
Skokie, IL

For more information call Representative Coulson at (847) 724-3233.



You're Invited to

State Representative

Elizabeth Coulson's Senior Expo 2004

Elizabeth Coulson
1000 W. Lake Avenue
Evanston, IL 60025

POSTED
STAGE
PAID
ROMEVILLE, IL
PERMIT NO. 3158

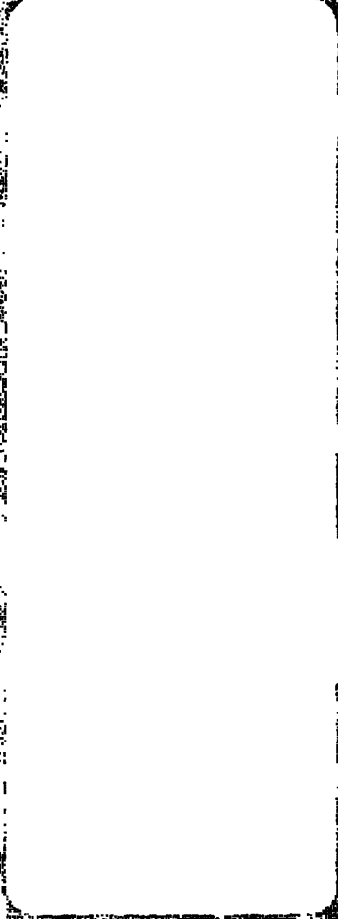


Exhibit C

August 13, 2009

NAME
ADDRESS
CITY, STATE ZIP

Dear DOCTOR,

As both your State Representative and a colleague in the health care field, I have made every effort to ensure that Illinois offers a climate where doctors can thrive. As many of you know, our state is facing immense challenges to survive, recover and grow in today's daunting economic conditions. Despite the volatile climate that has plagued Springfield during this past legislative session, I have remained committed to making progress for the residents of this State.

To bring necessary improvements and resources to the medical industry, I am proud to have supported several initiatives, all Illinois State Medical Society priorities, which have passed both chambers and await action by the Governor. These measures include the following:

- ***Medical Practice Fee Splitting (HB 496/SB 69)*** – maintains the ban on the unethical fee splitting for patient referrals while allowing physicians to engage in everyday business practices like using billing services and allowing credit card payments.
- ***Durable Healthcare Surrogacy (SB 2258)*** – designation of a health care surrogate is durable and moves with a patient or resident when he or she leaves a health care facility.
- ***Schedule II Drug Prescriptions (HB 488)*** – any written prescription for a Schedule II controlled substance may be filled within 90 (rather than 7) days after issuance.
- ***Medical Staff Autonomy (HB 546)*** – requires that, in the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review.

I also Co-Sponsored Senate Bill 1487, which will allow physician assistants to provide medical care in an emergency situation, including a state or local disaster. I believe this legislation was a critical and successful way to help ensure that those needing care in dire circumstances can receive it. Currently, there are physician assistants who are registered as emergency responders or members of triage teams who cannot provide first aid in a disaster because they would be in violation of state law. The bill seeks to clarify that in an emergency disaster setting, a physician assistant may render care without a supervising physician until the emergency disaster management teams arrive at the scene.

I will continue to look for innovative ideas to help improve the health care system in Illinois, as well as help improve the lives of those who need our care. As always, I welcome your ideas and input as many of my best proposals originate from constituents in the 17th district. Please do not hesitate to contact me at (847) 724-3233. Also, if you would like to receive my periodic e-newsletters with updates on other new legislation and events throughout the community, please call my office or email me at coulson@earthlink.net.

Sincerely,

Beth Coulson
State Representative



"McGinley, William"
<WMcGinley@PattonBoggs.com>
09/16/2009 03:56 PM

To <NStipanovic@fec.gov>
cc <rsmith@fec.gov>, <ARothstein@fec.gov>, <rknop@fec.gov>, <mjohnson@fec.gov>, <ELynch@fec.gov>, "McGinley, William"
bcc
Subject RE: State Representative Coulson AOR

Mr. Stipanovic,

On behalf of our clients, this email confirms the information listed below.

Please do not hesitate to contact me with any questions.

Regards,

William McGinley
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037
P: (202) 457-6000
F: (202) 457-6315
E: wmcginley@pattonboggs.com

To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

From: NStipanovic@fec.gov [mailto:NStipanovic@fec.gov]
Sent: Wednesday, September 16, 2009 2:00 PM
To: McGinley, William
Cc: rsmith@fec.gov; ARothstein@fec.gov; rknop@fec.gov; mjohnson@fec.gov; ELynch@fec.gov
Subject: State Representative Coulson AOR

Dear Mr. McGinley,

In our telephone conversation yesterday, you provided us with additional information regarding Illinois State Representative Coulson's request for an advisory opinion. We have set out below our understanding of certain points that you made during the conversation. Please review the statements below and either confirm their accuracy or correct any misperceptions.

(1) At least some of the funds now available in State Rep. Coulson's State campaign committee account were raised from sources prohibited by FECA or received in excess of the FECA's amount limitations.

(2) State Rep. Coulson is not a candidate for state office.

(3) The senior fair will not include any Federal election activity as defined in 2 USC 431(20) and 11 CFR

100.24.

(4) State Rep. Coulson does not plan to provide any information about the participants at the senior fair to her congressional campaign committee.

(5) The mailings and the event described in the request will not be used to solicit any contributions.

(6) The local community senior center that will hold the senior fair does not charge a fee for its use. The event accordingly will be free of charge to State Rep. Coulson as well as to any other sponsor or participant.

Once this information is confirmed by you, it will become part of the advisory opinion request and be made available to the public. We would appreciate your response by return email. If you have any questions please call me.

Thank you.

Neven F. Stipanovic
Attorney, Policy Division
Office of General Counsel
U.S. Federal Election Commission
Tel: 202-694-1650

DISCLAIMER:

This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (202) 457-6000 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Thank you.

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