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FEDERAL ELECTION COMMISSION
Washington, DC 20463

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November 4, 2009

MEMORANDUM

AGENDA ITEM
For Meeting of: 11-05-09

TO: The Commission

FROM: Thomasenia P. Duncan *JPD*
General Counsel

Rosemary C. Smith *ACS*
Associate General Counsel

Robert M. Knop *RMK*
Assistant General Counsel

Neven F. Stipanovic *NFS*
Attorney

Subject: Draft B AO 2009-26 (State Representative Elizabeth Coulson)

Attached is a proposed Draft B of the subject advisory opinion. We have been asked that this draft be placed on the agenda for November 5, 2009.

Attachment

SUBMITTED LATE

1 **ADVISORY OPINION 2009-26**

2
3 **William J. McGinley, Esq.**
4 **Kathryn Biber Chen, Esq.**
5 **Patton Boggs LLP**
6 **2550 M Street, NW**
7 **Washington, D.C. 20037**
8

DRAFT B

9 **Dear Mr. McGinley and Ms. Chen:**

10 **We are responding to your advisory opinion request on behalf of Illinois State**
11 **Representative Elizabeth Coulson, Coulson for Congress, and State Representative**
12 **Coulson's State Campaign Committee concerning the application of the Federal Election**
13 **Campaign Act of 1971, as amended (the "Act"), and Commission regulations to State**
14 **Representative Coulson's use of State Campaign Committee and officeholder funds while**
15 **a candidate for Federal office.**

16 **The Commission concludes that State Representative Coulson may use State**
17 **Campaign Committee funds or State officeholder funds to sponsor a "seniors fair," mail**
18 **postcards publicizing the "seniors fair," and to pay for the "health care legislative update"**
19 **as described in the request. Funds used to pay for the postcards publicizing the "seniors**
20 **fair" and the "health care legislative update," however, would constitute an in-kind**
21 **contribution to State Representative Coulson's Federal campaign committee.**

22 ***Background***

23 **The facts presented in this advisory opinion are based on your letter received on**
24 **September 9, 2009, an email received on September 16, 2009, and telephone**
25 **conversations with Commission staff.**

1 Elizabeth Coulson is an Illinois State Representative and a candidate for the
2 United States House of Representatives in 2010. She has served the 17th State Legislative
3 District of Illinois since 1997. On August 22, 2009, State Representative Coulson
4 declared her candidacy to represent the 10th Congressional District of Illinois. She will
5 continue serving in the Illinois State legislature while she campaigns for Federal office.
6 ~~State Representative Coulson is not a candidate for State office.~~

7 Coulson for Congress ("Federal Committee") is State Representative Coulson's
8 principal campaign committee. The Coulson Campaign Committee ("State Campaign
9 Committee") is State Representative Coulson's State campaign committee. Illinois law
10 allows State and local candidates to raise funds from individuals without limits and from
11 corporations and labor organizations. *See generally* 10 Illinois Compiled Statutes
12 5/Article 9. At least some of the donations in the State Campaign Committee account
13 were raised from sources prohibited by the Act or exceed the Act's amount limitations.
14 Since becoming a Federal candidate, she has not solicited any donations to the State
15 Campaign Committee. Under Illinois law, State Representative Coulson also receives an
16 office allowance ("State Office Account") for the purpose of defraying official office,
17 personnel and constituent services expenses. *See* 25 Illinois Compiled Statutes
18 115/Article 4. Illinois law also allows State Representative Coulson to use State
19 Campaign Committee funds for these expenses. *See* 10 Illinois Compiled Statutes
20 5/Article 9-8.10(c).

21 State Representative Coulson plans to undertake three activities. She plans (1) to
22 sponsor a "seniors fair"; (2) to mail a postcard publicizing the "seniors fair"; and (3) to

1 mail a "health care legislative update" letter to health care professionals in her State
2 legislative district.

3 *1. Seniors Fair*

4 State Representative Coulson plans to sponsor a "seniors fair" at a local seniors'
5 community center in her State legislative district. The community center does not charge
6 a fee for its use. The purpose of the event is to promote health and safety programs
7 available to seniors in State Representative Coulson's State legislative district. A variety
8 of local business organizations are expected to participate at the event. These
9 organizations will set up exhibit booths at the community center and provide information
10 to the participants about their goods and services. Some organizations may distribute free
11 samples and water bottles that display company logos, none of which will reference State
12 Representative Coulson. A local hospital may provide free flu shots and cholesterol
13 screening to attending seniors. State Representative Coulson, in her role as a State
14 officeholder, has sponsored such "seniors fairs" for the past eight years.

15 State Representative Coulson states that this event will not be used to expressly
16 advocate her election, or to promote or support her Federal candidacy, or to attack or
17 oppose any of her Federal election opponents. The "seniors fair" will not include any
18 Federal election activity as defined in 2 U.S.C. 431(20) and 11 CFR 100.24. The event
19 also will not be used by State Representative Coulson or her agents to solicit any
20 contributions. Nor will State Representative Coulson provide any information about the
21 participants to her Federal Committee.

1 **2. Promotional Postcard**

2 **State Representative Coulson will mail approximately 12,000 postcards to seniors**
3 **residing in her State legislative district publicizing the "seniors fair." The postcard will**
4 **be sent approximately two weeks before the event.¹ The mailing will not be distributed**
5 **outside her State legislative district.**

6 **The postcard will state the date, time, and location of the "seniors fair." State**
7 **Representative Coulson provides a sample of a postcard she mailed to her constituents in**
8 **a previous year.² The sample postcard identifies State Representative Coulson as a State**
9 **Representative and contains her picture. One side of the postcard states: "You're Invited**
10 **to State Representative Elizabeth Coulson's Senior Expo [Year]." The other side states:**
11 **"State Representative Elizabeth Coulson's Senior Expo [Year]. Free Admission! Free**
12 **refreshments! Representatives of state and local organizations will be on hand to**
13 **promote senior citizen's health and safety programs and services that are available. This**
14 **is an opportunity for senior citizens to visit various booths and gather information." It**
15 **also includes State Representative Coulson's district office telephone number that the**
16 **recipients may call for more information.**

17 **The contents, timing, and distribution of the planned mailing will be the same in**
18 **all material respects as in previous years when State Representative Coulson was not a**
19 **Federal candidate. State Representative Coulson plans to pay for the mailing with funds**
20 **from her State office account or the State Campaign Committee's account.**

¹ State Representative Coulson plans to mail the postcard sometime after November 4, 2009.

² The Commission assumes that the postcard at issue in this request will be the same in all material respects as the sample postcard that State Representative Coulson submitted with her advisory opinion request.

1 **3. Legislative Update Letter**

2 **State Representative Coulson plans to mail a letter to approximately 4,000 health**
3 **care professionals in her State legislative district. The mailing will not be distributed**
4 **outside her State legislative district. State Representative Coulson has mailed such a**
5 **"legislative update" letter for the past four years. State Representative Coulson provides**
6 **a copy of one such letter.³ In relevant part the letter states:**

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

14
15 **To bring necessary improvements and resources to the medical industry, I**
16 **am proud to have supported several initiatives, all Illinois State Medical**
17 **Society priorities, which have passed both chambers and await action by**
18 **the Governor."**

19
20 **The letter then lists and describes health care legislative proposals being**
21 **considered by the Illinois legislature. It also describes a State health care bill that State**
22 **Representative Coulson co-sponsored and explains why she supports the bill. The letter**
23 **further states: "I will continue to look for innovative ideas to help improve the health care**
24 **system in Illinois, as well as help improve the lives of those who need our care. As**
25 **always, I welcome your ideas and input as many of my best proposals originate from**
26 **constituents in the 17th district." The letter is signed "Beth Coulson[,] State**
27 **Representative."**

³ Like the "seniors fair" postcard, State Representative Coulson plans to mail the legislative update letter sometime after November 4, 2009. The Commission assumes that the letter at issue in this request will be the same in all material respects as the sample letter that State Representative Coulson submitted with her advisory opinion request.

1 **The contents, timing, and distribution of the planned mailing will be the same in**
2 **all material respects as in previous years when State Representative Coulson was not a**
3 **Federal candidate. State Representative Coulson plans to pay for the mailing with funds**
4 **from her State Office Account or the State Campaign Committee account.**

5 ***Questions Presented***

- 6 ***1. May Illinois State Representative Coulson sponsor the "seniors fair" as a service***
7 ***to constituents in her State legislative district?***
- 8 ***2. May Illinois State Representative Coulson pay for postcards publicizing the***
9 ***"seniors fair" using funds in her State Office Account or her State Campaign***
10 ***Committee's account?***
- 11 ***3. May Illinois State Representative Coulson pay for the "health care legislative***
12 ***update" letter using funds in her State Office Account or her State Campaign***
13 ***Committee's account?***
- 14 ***4. If the Commission determines that the activities described in questions 1, 2, and 3***
15 ***are not permissible, may the State Campaign Committee instead use a reasonable***
16 ***accounting method to identify donations permissible under the Act, Commission***
17 ***regulations and Illinois law to pay for all of the activities described above?***
- 18 ***5. If the Commission determines that the activities described in questions 1, 2, 3, and***
19 ***4 are not permissible, may her Federal Committee pay for the activities described***
20 ***above?***

21 ***Legal Analysis and Conclusions***

- 22 ***1. May Illinois State Representative Coulson sponsor the "seniors fair" as a service***
23 ***to constituents in her State legislative district?***

1 **Yes, State Representative Coulson may sponsor the event because the “seniors**
2 **fair” is not in connection with any Federal or non-Federal election, and it does not**
3 **involve making any “public communications” as defined in 2 U.S.C. 431(22). Nor would**
4 **it result in the making of any contributions to State Representative Coulson. The**
5 **Commission does not address whether relevant State law permits State Representative**
6 **Coulson to use funds from her State Office Account or her State Campaign Committee’s**
7 **account for this event.**

8 *a. 2 U.S.C. 441i(e)*

9 **Federal candidates, their agents, and entities directly or indirectly established,**
10 **financed, maintained, or controlled by, or acting on behalf of, Federal candidates, may**
11 **not raise or spend funds in connection with an election for Federal office, including any**
12 **funds for Federal election activity, unless the funds are subject to the Act’s limitations,**
13 **prohibitions, and reporting requirements. 2 U.S.C. 441i(e)(1)(A); 11 CFR 300.61.**
14 **Persons subject to Section 441i(e) also may not raise or spend funds in connection with**
15 **any election other than an election for Federal office unless the funds are raised within**
16 **the Act’s contribution limits and are not from prohibited sources. 2 U.S.C. 441i(e)(1)(B);**
17 **11 CFR 300.62.**

18 **State Representative Coulson is a Federal candidate, and her State Campaign**
19 **Committee is an entity that is directly established, financed, maintained, or controlled by**
20 **her and is acting on her behalf. Accordingly, Section 441i(e) would apply here if the**
21 **activity involved were in connection with any Federal or non-Federal election. See**
22 **Advisory Opinions 2003-20 (Reyes), 2004-14 (Davis), and 2003-12 (Flake). As the**
23 **Commission previously stated, “[i]f the funds are not raised or spent in connection with**

1 an election, then the funds do not fall within the scope of Section 441i(e)." See Advisory
2 Opinion 2003-20 (Reyes) at 2.

3 State Representative Coulson plans to sponsor an event for seniors residing in her
4 State legislative district, and the core issue is whether this event is in connection with any
5 Federal or non-Federal election. The Commission concludes that it is not. Although
6 State Representative Coulson is a Federal candidate, there is no indication that this event
7 is in connection with her Federal election. The "seniors fair" will not be used to solicit
8 any contributions to State Representative Coulson's Federal Committee, nor will any
9 information about the participants at the event be provided to State Representative
10 Coulson's Federal Committee. The event will not involve any express advocacy of State
11 Representative Coulson's election or the defeat of her opponents. Nor will the "seniors
12 fair" be used for any Federal election activity as defined in 2 U.S.C. 431(20) and 11 CFR
13 100.24.

14 Similarly, there is no indication that the "seniors fair" is in connection with any
15 election other than an election for Federal office. State Representative Coulson is not a
16 candidate for State office and the "seniors fair" will not be used to solicit any donations
17 to State Representative Coulson's State Campaign Committee. Instead, this event is a
18 service to State Representative Coulson's constituents, to be held as part of her State
19 officeholder duties and in a manner consistent with similar events she held in previous
20 years when she was not a Federal candidate. Because the "seniors fair" is not in
21 connection with any Federal or non-Federal election, Section 441i(e) would not apply to
22 it.

1 ***b. 2 U.S.C. 441i(f)***

2 **In addition to being a Federal candidate, State Representative Coulson is currently**
3 **an Illinois State Representative. State officeholders and their agents may spend only**
4 **Federal funds for a public communication that refers to a clearly identified Federal**
5 **candidate and that promotes or supports, or attacks or opposes ("PASO") any candidate**
6 **for that Federal office. 2 U.S.C. 441i(f);⁴ 11 CFR 300.70 and 300.71. Federal funds are**
7 **defined as "funds that comply with the limitations, prohibitions, and reporting**
8 **requirements of the Act." 11 CFR 300.2(g). There is no indication here that State**
9 **Representative Coulson or her agents will make any communications at the event that**
10 **would constitute a "public communication." A "public communication" is "a**
11 **communication by means of any broadcast, cable, or satellite communication, newspaper,**
12 **magazine, outdoor advertising facility, mass mailing, or telephone bank to the general**
13 **public, or any other form of general public political advertising." 2 U.S.C. 431(22) and**
14 **11 CFR 100.26. Any communication made at the event would not be made by the means**
15 **listed in this definition. Accordingly, the Commission concludes that 2 U.S.C. 441i(f)**
16 **would not apply to the "seniors fair."**

17 **For the foregoing reasons, State Representative Coulson may not use Federal**
18 **funds to pay for any costs associated with sponsoring this event.**

19 ***2. May Illinois State Representative Coulson pay for postcards publicizing the***
20 ***"seniors fair" from funds in her State Office Account or her State Campaign***
21 ***Committee's account?***

⁴ Public communications that refer to a clearly identified Federal candidate and that PASO any candidate for that Federal office are known as "Type III" Federal election activity. See 2 U.S.C. 431(20)(iii) and 11 CFR 100.24(b)(3). The Commission currently is considering options for a regulatory definition of PASO. See Notice of Proposed Rulemaking on Coordinated Communications, 74 FR 53,893 (Oct. 21, 2009).

1 **Yes, State Representative Coulson may pay for the postcards publicizing the**
2 **“seniors fair” using funds in her State Office Account or her State Campaign Committee**
3 **account, although paying for the postcards would constitute an in-kind contribution to the**
4 **Federal Committee under the Commission’s coordinated communications regulations.⁵**

5 **The Commission does not address whether relevant State law permits State**
6 **Representative Coulson to use funds from her State Office Account or her State**
7 **Campaign Committee’s account to pay for these postcards.**

8 **The Commission’s coordinated communications regulations set forth a three-**
9 **prong test to determine whether a payment for a communication is an in-kind**
10 **contribution as a result of coordination between the person making the payment and a**
11 **candidate. See 11 CFR 109.21(a)(1)-(3).**

12 **Under the first prong of the coordinated communication regulations, a**
13 **communication must be “paid for in whole or in part, by a person other than that**
14 **candidate, authorized committee, or political party committee.” 11 CFR 109.21(a)(1).**
15 **State Representative Coulson proposes to pay for the postcards with funds from her State**
16 **Office Account or her State Campaign Committee’s Account. Although these accounts**
17 **are controlled by State Representative Coulson, the accounts do not contain her personal**
18 **funds, nor do they represent funds from her “authorized committee” (i.e., the Federal**
19 **Committee). Accordingly, the first prong of the coordinated communication regulations**
20 **is met because whether the funds from the State Office Account or the State Campaign**

⁵ **Even if use of the funds would constitute an in-kind contribution subject to the same prohibitions, amount limitations, and reporting requirements of the Act, they would be in compliance with 2 U.S.C. 441i(e) and 441i(f).**

1 Committee's Account, the "person" paying for the communication would be a "person
2 other than" State Representative Coulson or her authorized committee.

3 A communication will satisfy the second prong of the coordinated communication
4 regulations, the content prong, if the communication: (1) is an electioneering
5 communication as defined in 11 CFR 100.29; (2) disseminates, distributes, or
6 republishes, in whole or in part, campaign materials prepared by a Federal candidate, the
7 candidate's authorized committee, or their agents; (3) expressly advocates the election or
8 defeat of a clearly identified candidate for Federal office; or (4) is a public
9 communication, as defined in 11 CFR 100.26, that refers to a clearly identified candidate
10 for Federal office, is publicly distributed or disseminated within ninety days of an
11 election for Federal office – in this case a primary election – and is directed to voters
12 within the jurisdiction of the clearly identified candidate. 11 CFR 109.21(c)(1) through
13 (4).

14 The fourth standard of the content prong is met here. The postcards clearly
15 identify a Federal candidate because they refer to State Representative Coulson by name
16 and include her photograph. 2 U.S.C. 431(18); 11 CFR 100.17. The postcards,
17 moreover, would be "public communications" under the Act. 2 U.S.C. 431(22) and 11
18 CFR 100.26. The definition of a "public communication" includes any communication
19 by means of a mass mailing. *Id.* A "mass mailing," in turn, is defined as "a mailing...of
20 more than 500 pieces of mail matter of an identical or substantially similar nature within
21 any 30-day period." 2 U.S.C. 431(23); 11 CFR 100.27. State Representative Coulson
22 plans to mail an identical or substantially similar postcard to 12,000 persons within the
23 17th State Legislative District approximately two weeks before the "seniors fair" occurs.

1 The postcards, thus, would be both a mass mailing and a public communication that refer
2 to State Representative Coulson. The Illinois primary will be held on February 2, 2010⁶
3 and you have represented that the postcards will be mailed fewer than ninety days before
4 the Illinois primary for U.S. House of Representatives. There is substantial geographic
5 overlap between Illinois' 17th State Legislative District and the 10th Congressional
6 District of Illinois.⁷ Thus, the second prong of the Commission's coordination test is met
7 here.

8 Finally, the third prong of the Commission's coordinated communications
9 regulations, the conduct prong, is satisfied if, among other things, the Federal candidate,
10 the candidate's authorized committee, or one of their agents is "materially involved" in a
11 decision regarding one or more listed aspects of the creation, production, or distribution
12 of a communication. 11 CFR 109.21(d)(2).

13 State Representative Coulson is sponsoring the "seniors fair" and it is clear from
14 your request that State Representative Coulson will be materially involved in decisions
15 regarding the creation, production, and distribution of the postcards. As stated in the
16 request, the postcard will publicize the event as "State Representative Elizabeth
17 Coulson's Senior Expo." The postcard will also feature a photo of State Representative
18 Coulson and invite recipients of the postcard to call State Representative Coulson for
19 more information about the event.

⁶ See www.elections.il.gov/VotingInformation/2010GPGE.aspx.

⁷ See www.elections.il.gov/Downloads/VotingInformation/PDF/Districts/RepDist17.pdf (Illinois State Board of Elections map of 17th State Legislative District).
www.elections.il.gov/Downloads/VotingInformation/PDF/Districts/CongDist10.pdf (Illinois State Board of Elections map of 10th Congressional District).

1 Accordingly, because all three prongs of the Commission's coordinated
2 communications regulations are met, the use of funds from State Representative
3 Coulson's State Office Account or her State Campaign Committee account to pay for the
4 postcards publicizing the "seniors fair" would constitute an in-kind contribution to the
5 Federal Committee.⁸

6 3. *May Illinois State Representative Coulson pay for the "health care legislative*
7 *update" letter from funds in her State Office Account or her State Campaign*
8 *Committee's account?*

9 Yes, State Representative Coulson may use funds in either of these accounts to
10 pay for the "health care legislative update" letter, although use of such funds would
11 constitute an in-kind contribution to the Federal Committee under the Commission's
12 coordinated communications regulations.⁹ The Commission does not address whether
13 relevant State law permits State Representative Coulson to use funds from her State
14 Office Account or her State Campaign Committee's account to pay for this letter.

15 As discussed in Question 2 above, Commission regulations set forth a three-prong
16 test to determine whether a payment for a communication is an in-kind contribution as a
17 result of coordination between the person making the payment and the candidate: (1) the
18 communication must be paid for, in whole or in part, by a person other than candidate or

⁸ Both the State Office Account and the State Campaign Committee account are persons under the Act subject to the Act's usual contribution limits. 2 U.S.C. 431 (11); 11 CFR 100.10; *see also* Advisory Opinion 1999-07 (MN Secretary of State) (although the Act's definition of "person" excludes the Federal government, the Act has "not extended this exclusion to State governments or their instrumentalities."). For the 2009-2010 election cycle, the contribution limit applicable to persons under 2 U.S.C. 441a(a)(1)(A) is \$2,400 per election. Price Index Increases for Contribution and Expenditure Limitations, 74 FR 7435, 7437 (Feb. 17, 2009).

⁹ Because use of the funds would constitute an in-kind contribution subject to the source prohibitions, amount limitations, and reporting requirements of the Act, they would be in compliance with 2 U.S.C. 441i(e) and 441i(f).

1 the candidate's authorized committee; (2) the communication satisfies at least one of the
2 content standards in 11 CFR 109.21(c); and the communication satisfies at least one of
3 the conduct standards in 11 CFR 109.21(d). See 11 CFR 109.21(a)(1)-(3).

4 Here, as with the postcards discussed in Question 2 above, the payment prong is
5 satisfied because neither State Representative Coulson's authorized Federal committee
6 nor State Representative Coulson in her personal capacity would be paying for the
7 postcards. 11 CFR 109.21(a)(1).

8 The content prong is also satisfied because the health care legislative update letter
9 would be a public communication, as defined in 11 CFR 100.26, that refers to a clearly
10 identified House Candidate, State Representative Coulson, publicly distributed or
11 disseminated within ninety days of State Representative Coulson's primary election, and
12 directed to the voters in the 10th Congressional District of Illinois. 11 CFR 109.21(c)(4).

13 Finally, the conduct prong would be satisfied where, as here, the Federal
14 candidate, the candidate's authorized committee, or one of their agents is "materially
15 involved" in a decision regarding one or more listed aspects of the creation, production,
16 or distribution of a communication. 11 CFR 109.21(d)(2). Here, the letters will be
17 signed by State Representative Coulson and the letters will discuss her legislative efforts
18 in the health care field. As with the postcards discussed in Question 2 above, it is clear
19 from your request that State Representative Coulson will be materially involved in
20 decisions regarding the creation, production, and distribution of the letters.

21 Accordingly, payment for the health care legislative update letters using State
22 Representative Coulson's State Campaign Committee account or State Office Account

1 would constitute an in-kind contribution to the Federal Committee under the
2 Commission's coordinated communications regulations.

3 *4. If the Commission determines that the activities described in questions 1, 2 and 3*
4 *are not permissible, may the State Campaign Committee instead use a reasonable*
5 *accounting method to identify donations permissible under the Act, Commission*
6 *regulations and Illinois law to pay for all of the activities described above?*

7 The question is moot given the answer to Questions 1, 2 and 3 above.

8 Nonetheless, because payments for the postcards publicizing the "senior's fair" and for
9 the "health care legislative update" would constitute in-kind contributions to the Federal
10 Committee, State Representative Coulson's State Campaign Committee must be able to
11 "demonstrate through a reasonable accounting method" that the funds used to make the
12 contribution are subject to the Act.¹⁰ 11 CFR 102.5(b); *see* Final Rule on Prohibited and
13 Excessive Contributions: Non-Federal Funds or Soft Money, 67 FR 49064, 49073 (July
14 29, 2002).¹¹

15 *5. If the Commission determines that the activities described above in questions 1, 2,*
16 *3, and 4 are not permissible, may her Federal Committee pay for the activities*
17 *described above?*

18 The question is moot given the answers to Questions 1, 2, 3 and 4 above.

¹⁰ As noted above, the State Campaign Committee is a person under the Act subject to the Act's contribution limits. *See* footnote 8 and citations contained therein. For the 2009-2010 election cycle, the contribution limit applicable to persons under 2 U.S.C. 441a(a)(1)(A) is \$2,400 per election. Price Index Increases for Contribution and Expenditure Limitations, 74 FR 7435, 7437 (Feb. 17, 2009).

¹¹ As previously noted, the Commission does not address whether relevant State law permits State Representative Coulson to use any funds from her State Office Account or her State Campaign Committee's account to pay for any of the activities described in the request.

1 **This response constitutes an advisory opinion concerning the application of the**
2 **Act and Commission regulations to the specific transaction or activity set forth in your**
3 **request. See 2 U.S.C. 437f. The Commission emphasizes that, if there is a change in any**
4 **of the facts or assumptions presented, and such facts or assumptions are material to a**
5 **conclusion presented in this advisory opinion, then the requestor may not rely on that**
6 **conclusion as support for its proposed activity. Any person involved in any specific**
7 **transaction or activity which is indistinguishable in all its material aspects from the**
8 **transaction or activity with respect to which this advisory opinion is rendered may rely on**
9 **this advisory opinion. See 2 U.S.C. 437f(c)(1)(B). Please note the analysis or**
10 **conclusions in this advisory opinion may be affected by subsequent developments in the**
11 **law including, but not limited to, statutes, regulations, advisory opinions, and case law.**
12 **The cited advisory opinions are available on the Commission's Web site at**
13 **<http://saos.nictusa.com/saos/searchao>.**

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On behalf of the Commission,

**Steven T. Waitbar
Chairman**