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July 18, 2018

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
Washington DC 20463

VIA E-mail [CELA@fec.gov](mailto:CELA@fec.gov)

RE: MUR 7421

Dear Mr. Jordan,

I write in response to your letter, dated June 28, 2018, which was received by respondents in early July, regarding the complaint by David C. Thompson, numbered MUR 7421. You have received forms designating me as counsel for Cramer for Senate, Christopher M. Marston in his official capacity as treasurer, Rep. Kevin Cramer, and Mrs. Kris Cramer and, by this letter, I respond for each of them requesting that you dismiss the complaint or, in the alternative, that the Commission find no reason to believe that any of respondents have violated the Act.

Thompson, the Democratic nominee for Attorney General of North Dakota, alleges, without factual support, that Cramer for Senate improperly reimbursed personal expenses of Rep. Cramer and Mrs. Cramer, and failed to properly report the expenditures on its reports to the Commission.

The complaint refers to three properly reported disbursements on the Committee's 12-day pre-election report for the June 6, 2018, primary (hereinafter, "Report"):

- Cramer, Kevin, J, - 4/23/2018 – \$1152.75 – 2018 Q1 Mileage Reimbursement. Report, p. 153, item A.
- Cramer, Kevin J, - 4/23/2018 - \$253 – 2018 Q1 Perdiem (16 Meals). Report, p. 153, item B.
- Cramer, Kris, - 4/12/2018 - \$531.38.– Mileage Reimbursement. Report, p. 156, item C.

Thompson alleges that the descriptions of these disbursements is intended to "obscure the true nature of the payments." Complaint at 1. The Commission's Statement of Policy: "Purpose of Disbursement" Entries for Filings with Commission (Notice 2006-23), 72 Fed. Reg. 5 (Jan. 9, 2007) establishes the Commission's policy with respect to adequate purpose of disbursement entries. The Commission has supplemented the policy with lists of adequate and inadequate

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purposes of disbursement, most recently updated on July 13, 2017. (Home > Help for candidates and committees > Purposes of Disbursement, <https://www.fec.gov/help-candidates-and-committees/purposes-disbursement/>). The list of adequate purposes lists both "Per Diem" and "Mileage Reimbursement."

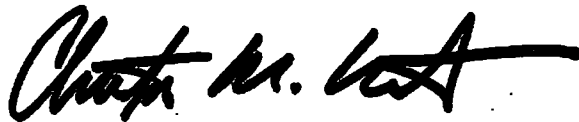
Thompson further alleges, based on nothing beyond rank speculation, that these reimbursements converted campaign funds to "personal use." Complaint at 3. He offers no credible theory, much less evidence, that any of these payments were for personal use. Nor can he, as they were clearly for campaign use and the Committee has maintained the records required by the Commission to demonstrate as much.

Despite his current campaign for statewide office, it's clear that Thompson fails to understand the travel involved in a successful candidacy. Reimbursements for both Rep. Cramer's travel and Mrs. Cramer's travel during the first quarter were for miles driven for campaign events. You need not take the Committee's word on this issue, the Associate Press investigated Thompson's claims by mapping the distance between the Cramers' home and events they attended and even verifying their presence at the events. Amanda Seitz, "AP FACT CHECK: Rep. Kevin Cramer did drive 2,300 miles," *AP NEWS*, July 4, 2018 (<https://apnews.com/1b3ec6428ec149339fc418a304e379e9/AP-FACT-CHECK:-Rep.-Kevin-Cramer-did-drive-2,300-miles>)

Thompson goes on to allege, apparently without researching the Commission's advisory opinions on the issue, that payment to Rep. Cramer of a per diem is the equivalent of paying him a prohibited salary. As the Commission has consistently held, beginning as early as 1984, Committees may pay a reasonable per diem in lieu of exact reimbursements for food, among other items. "[T]he payment of a per diem by your authorized campaign committee to you for campaign travel purposes is permissible under the Act." Advisory Opinion 1984-08 at 1. This is exactly what the Committee has done with regard to Rep. Cramer. It paid him a per diem, based on the per diem rates set by the General Services Administration, for meals during campaign travel.

Thompson's politically-motivated complaint is based on nothing but speculation and evinces a failure to understand the Act and Commission regulations. As such, it should be dismissed, or, in the alternative, the Commission should find no reason to believe that any of respondents violated the Act.

Sincerely,



Christopher M. Marston