



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

September 16, 2024

**VIA EMAIL & CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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Louis Avila, Senior Advisor  
Change for Arizona 2024 PAC  
P.O. Box 97241  
Phoenix, AZ 85060

RE: MUR 8140

Dear Mr. Avila:

This is in reference to the complaint you filed with the Federal Election Commission on May 18, 2023, concerning Krysten Sinema, Sinema for Arizona, Getting Stuff Done PAC, and Sinema Leadership Fund. On August 13, 2024, on the basis of information provided in the complaint, and information provided by respondents, the Commission voted to dismiss the allegations that respondents violated 52 U.S.C. § 30114(b) by converting contributions to personal use and voted to dismiss the allegations that Sinema for Arizona, Getting Stuff Done PAC, and Sinema Leadership Fund, violated 52 U.S.C. § 30104(b)(5)(A) by improperly reporting the purpose of expenditures. Accordingly, the Commission voted to close the file, effective September 16, 2024.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

If you have any questions, please contact Nick Mueller, the attorney assigned to this matter, at (202) 694-1577 or [nmueller@fec.gov](mailto:nmueller@fec.gov).

Sincerely,

*Ana J. Peña-Wallace*

Ana J. Peña-Wallace  
Assistant General Counsel

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Sinema for Arizona and Cynthia Leigh **MUR 8140**  
 Applebaum in her capacity as treasurer  
 Kyrsten Sinema  
 Getting Stuff Done PAC and Cynthia Leigh  
 Applebaum in her capacity as treasurer  
 Sinema Leadership Fund and Cynthia Leigh  
 Applebaum in her capacity as treasurer

**I. INTRODUCTION**

This matter arises from a Complaint alleging that Senator Kyrsten Sinema, through her principal campaign committee (Sinema for Arizona and Cynthia Leigh Applebaum, in her capacity as treasurer), her leadership PAC (Getting Stuff Done PAC and Cynthia Leigh Applebaum, in her capacity as treasurer), and a joint fundraising committee for the aforementioned committees (Sinema Leadership Fund and Cynthia Leigh Applebaum, in her capacity as treasurer) violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by converting campaign funds to personal use. Correspondingly, the Complaint alleges that Sinema for Arizona, Getting Stuff Done PAC, and Sinema Leadership Fund (the “Sinema Committees”) further violated the Act and Commission regulations by misreporting these expenditures as campaign related rather than for personal expenses.

The Complaint broadly alleges that Sinema and the Sinema Committees “spent over \$180,000 in campaign, PAC, and senate funds on luxury hotels and resorts, car services, expensive charter flights, high-end restaurants, and winery visits and purchases from 2019 to

2022.”<sup>1</sup> The Complaint includes descriptions and spreadsheets in support of its contentions that the allegedly problematic expenses were “lavish expenditures that serve no legitimate campaign purpose.”<sup>2</sup> In further support for its allegations of personal use, the Complaint states that these expenses “are not typical of those made in the ordinary course of business by a political committee,” and that the expenditures were incurred during a period in which Sinema “was not actively running for office.”<sup>3</sup>

Many of the allegedly unlawful expenses identified by the Complaint are not conversions to personal use as a matter of law. Some expenditures were paid by Sinema’s Senate office, an entity outside the Commission’s jurisdiction.<sup>4</sup> And many other expenses were paid by Sinema’s leadership PAC, as to which the Commission has concluded that the personal use prohibition of the Act generally does not apply. Among the \$53,638 in remaining expenses at issue that Sinema’s authorized committees paid for, none of the listed expenditures fall into the *per se* personal use categories. The Complaint’s broad allegations that these remaining expenses are luxuries, not typical expenses for political committees, and that Sinema “was not actively campaigning” at the time they were incurred, are insufficient to indicate a personal use violation under the Commission’s “irrespective test,” which determines personal use on a case-by-case basis asking whether the expense would have existed irrespective of Sinema’s candidacy or status as a federal office holder.

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<sup>1</sup> Compl. at 1-2 (May 18, 2023). Of this \$180,822.02 in expenses, \$51,157 are attributed to Sinema for Arizona, \$59,748 to Sinema’s leadership PAC, Getting Stuff Done PAC, \$2,481 to the joint fundraising committee, Sinema Leadership Fund, and \$67,436 to Sinema’s Senate Office. *See* Compl., Appendix 1.

<sup>2</sup> *Id.* at 2-3, Appendix 1 (noting expenditures at “Five Star,” “Four Diamond,” and “luxury” hotels, and “upscale” and “Michelin Star” restaurants among other expenses).

<sup>3</sup> *Id.* at 4-5.

<sup>4</sup> *Id.* at 6, n.15.

1           In contrast to the above-described allegations, the Complaint provides more significant  
2 detail on three categories of expenses that it alleges were “obviously made in connection with  
3 Senator Sinema’s personal life,”<sup>5</sup> allowing for a substantive analysis of them as potential  
4 personal use under the irrespective test. The first of these categories is expenses Sinema  
5 allegedly used to “subsidize her trips and activities” relating to “marathons, triathlons, and  
6 bicycle races” that she participated in or attended. Similarly, the second category is expenses  
7 that Getting Stuff Done PAC allegedly paid in connection with Sinema’s trips to Europe.<sup>6</sup> The  
8 Response provides information indicating that the expenses relating to both these categories of  
9 travel supported fundraising activities by the Sinema Committees. Moreover, Respondents note  
10 that all expenses paid relating to Sinema’s European travel were made by her leadership PAC,  
11 which, as referenced above, the Commission has not found to be subject to the personal use  
12 restriction.<sup>7</sup> Finally, the Complaint alleges improper payments for security services based on the  
13 high cost and the selection of the sister of a friend of Sinema’s to provide the services. The  
14 Response provides information to demonstrate the credentials of the individual providing *bona*  
15 *fide* security services and documents the history of serious threats made against Sinema,  
16 supporting the Response’s argument that these expenses were lawful campaign expenditures  
17 rather than personal use. Accordingly, the Commission dismisses the allegation that Kyrsten  
18 Sinema, Sinema for Arizona, Getting Stuff Done PAC, and Sinema Leadership Fund violated the  
19 Act by converting campaign funds to personal use or correspondingly misreporting personal  
20 expenses as campaign related expenditures.

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<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.* at 6-10, Appendix 1-2.

<sup>7</sup> *Id.*, Appendix 3.

## II. FACTUAL BACKGROUND

Kyrsten Sinema is a Senator from Arizona; she filed her Statement of Candidacy to run for reelection on December 15, 2022, but announced on March 5, 2024 that she would no longer be seeking the election to the Senate.<sup>8</sup> Sinema for Arizona is her principal campaign committee;<sup>9</sup> Getting Stuff Done PAC is her leadership PAC;<sup>10</sup> and Sinema Leadership Fund is a joint fundraising committee that raises funds for Sinema for Arizona and Getting Stuff Done PAC.<sup>11</sup> Cynthia Leigh Applebaum is the treasurer for all three Sinema Committees.<sup>12</sup>

The Complaint in this matter alleges that Sinema, through the Sinema Committees, “illegally diverted funds donated to her for campaigning for federal office by making expenditures for her personal use and benefit.”<sup>13</sup> In support of these general allegations, the Complaint provides lists of the Sinema Committees’ payments for the following types expenses: (1) “Luxury hotels and resorts”; (2) “Wine and alcohol”; (3) “Expensive restaurants”; (4) “Car service and limousine transportation”; and (5) “Charter air travel.”<sup>14</sup> The Complaint argues that Sinema, through the Sinema Committees, has converted funds to personal use because the

<sup>8</sup> Kyrsten Sinema, Statement of Candidacy (Dec. 15, 2022); Jonathan J. Cooper, *Independent Sen. Kyrsten Sinema of Arizona Says She Won’t Seek Reelection, Avoiding a 3-Way Race*, ASSOCIATED PRESS, (Mar. 6, 2024), <https://apnews.com/article/kyrsten-sinema-arizona-8043c3333e6d87da2404f58339f1e1e6>.

<sup>9</sup> Sinema for Arizona, Amended Statement of Organization (Dec. 15, 2022).

<sup>10</sup> Sinema Leadership Fund, Amended Statement of Organization (Dec. 15, 2022).

<sup>11</sup> Getting Stuff Done PAC, Amended Statement of Organization (Dec. 15, 2022).

<sup>12</sup> Sinema for Arizona, Amended Statement of Organization (Dec. 15, 2022); Sinema Leadership Fund, Amended Statement of Organization (Dec. 15, 2022); Getting Stuff Done PAC, Amended Statement of Organization (Dec. 15, 2022).

<sup>13</sup> Compl. at 1.

<sup>14</sup> Compl. at 2-4, Appendix 1. The category of chartered air travel also includes expenses paid for by Sinema’s Senate office. *Id.* The Complaint acknowledges that such expenses are “not within the purview of the Commission” but notes their inclusion to “indicate a pattern of failure to pro-rate” here expenses between “personal and campaign benefit.” *Id.* n.5. See Factual & Legal Analysis at 3 & n.6, MURs 6862 & 6874 (Landrieu) (“[N]o provision of the Act or Commission regulations governs the use or misuse of official government funds for campaign-related travel.”).

1 identified expenses are luxuries, not typical expenses for political committees, and that Sinema  
2 “was not actively campaigning” at the time the expenditures were made.<sup>15</sup>

3 The Complaint further elaborates on three specific categories of expenses that it alleges  
4 are a conversion to personal use. Specifically, these include expenses related to: (1) “marathons,  
5 triathlons, and bicycle races”; (2) Sinema’s European travel; and (3) security services. First, the  
6 Complaint alleges that Sinema used committee funds to “subsidize her trips and activities”  
7 relating to “marathons, triathlons, and bicycle races” that she participated in or attended.<sup>16</sup> The  
8 Complaint continues, alleging that Sinema “attached incidental campaign-related events to travel  
9 that was otherwise unrelated to her duties — and then appeared to pay for the entire trip with  
10 campaign funds.”<sup>17</sup> In support the Complaint attaches a spreadsheet detailing the competitions  
11 and events in connection with which Sinema purportedly spent funds.<sup>18</sup>

12 As an example, the Complaint states that in April 2022 Sinema traveled to Boston and  
13 ran in the Boston Marathon.<sup>19</sup> In connection with that trip, the Complaint alleges that Sinema  
14 spent \$8,471 at the Ritz-Carlton and “over \$1,500 for meals and ‘event supplies.’”<sup>20</sup> While the  
15 Complaint acknowledges that “Sinema raised funds from parties in Massachusetts during the  
16 month of April,” the Complaint argues that the trip was “primarily for the purpose of attending

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<sup>15</sup> Compl. at 2-6.

<sup>16</sup> *Id.* at 6.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*, Appendix 2.

<sup>19</sup> *Id.* at 7-8.

<sup>20</sup> *Id.* at 7; *see* Sinema for Arizona, 2022 July Quarterly Report at 402 (July 15, 2022); Getting Stuff Done PAC, 2022 July Quarterly Report at 42-23 (July 15, 2022).

1 and participating in the Boston Marathon.”<sup>21</sup> The Complaint asserts that given the “physical  
 2 demands of running in a marathon, virtually all of Senator Sinema’s time while in Boston was  
 3 occupied with preparing for, participating in, and recovering from the marathon,” rather than  
 4 fundraising activity. As a result, the Complaint concludes that Sinema converted a “large  
 5 portion” of the lodging disbursement paid to the Ritz-Carlton to personal use as well as “some or  
 6 all” of the meal and event supplies.<sup>22</sup>

7 The second category of expenses that the Complaint elaborates on as personal use are  
 8 expenses relating to Sinema’s travels to Europe, during which Sinema’s leadership PAC, Getting  
 9 Stuff Done PAC, allegedly spent \$20,079, including expenditures at “high-end restaurants and  
 10 luxury Parisian hotels.”<sup>23</sup> The Complaint states that a “substantial purpose of Senator Sinema’s  
 11 European travel was leisure,” but acknowledges that on at least one of these trips, Sinema did  
 12 engage in fundraising.<sup>24</sup> However, according to the Complaint, the expenses paid for the trip  
 13 appear to be greater than the funds raised from contributors with European addresses.<sup>25</sup>

14 Finally, the third specific category of expenses that the Complaint alleges have been  
 15 converted to personal use are expenses relating to security services provided by Vrindavan

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<sup>21</sup> Compl. at 7-8. The Complaint also notes that Sinema appears to have attended the 2021 Boston Marathon — though she did not participate because of an injury — and reported disbursements of “over \$5,000 to a limousine company in connection with the event.” *Id.*; see Sinema for Arizona, 2021 Year-End Report at 634-36 (Jan. 31, 2022) (reflecting four disbursements on Oct. 14, 2021 totaling \$5,329 to Black Tie Limousine, Inc. for “Car Service”). The Complaint provides no further information regarding the alleged propriety or impropriety of these 2021 car service expenses.

<sup>22</sup> Compl. at 8.

<sup>23</sup> *Id.* at 9, see *id.* at Appendix 1.

<sup>24</sup> *Id.* at 9-10.

<sup>25</sup> *Id.* at 9-10. The Complaint also notes that two other then-U.S. House of Representatives members — Representatives Stephanie Murphy and Kathleen Rice — also attended one of these trips and may have expended campaign funds on the trip. *Id.* at 10-11. The Complaint states that “although it is our opinion that further investigation by the Commission is warranted,” Murphy and Rice “are not subjects of this complaint.” *Id.* at 10.

Gabbard Bellord and her security company TOA Group, LLC.<sup>26</sup> Bellord is the sister of former Representative Tulsi Gabbard, a friend of Sinema's, and since late 2021 Bellord has been Sinema's Security Director.<sup>27</sup> The Complaint alleges that Respondents made \$307,013 in payments to TOA Group during 2022 and another \$64,308 in the first quarter of 2023, payments which it alleges "far surpass that of all other members of Congress save for Senator Raphael Warnock, who has had to compete in four general elections since 2020."<sup>28</sup>

The Complaint further details other aspects of the Sinema Committees' security payments to TOA Group that it alleges are different from how committees typically make security related disbursements. First, the Complaint alleges that the Sinema Committees made lump-sum payments to the security firm while "typically" committees make smaller individual payments to particular security officers.<sup>29</sup> Second, the Complaint alleges that it is unusual that the Sinema Committees made "separate payments for travel and meal expenses for the 'security detail'" and notes the size of these travel expenses considering that Bellord lives in Texas while Sinema is the Senator for Arizona.<sup>30</sup> Third, the Complaint questions whether this amount of security was necessary because Sinema "has not hosted major rallies, public town hall meetings

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<sup>26</sup> *Id.* at 10-12.

<sup>27</sup> *Id.* at 10-11; Resp. at 9-10 (July 11, 2023).

<sup>28</sup> Compl. at 10-11. Our review of Commission records confirms the Complaint's accounting of \$307,013 in expenditures from Sinema for Arizona and Getting Stuff Done PAC to TOA Group in 2022, but reflects a higher total in the first quarter of 2023 (\$154,936 compared to \$64,308), likely because at the date the Complaint was filed Getting Stuff Done PAC had not yet reported on its first quarter disbursements as it was on a biannual reporting schedule. See *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/disbursements/?two\\_year%E2%80%8Ctransaction\\_period=2024&data\\_type=processed&recipient\\_name=toa+group&two\\_year\\_transaction\\_period=2022&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2021&max\\_date=12%2F31%2F2024](https://www.fec.gov/data/disbursements/?two_year%E2%80%8Ctransaction_period=2024&data_type=processed&recipient_name=toa+group&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2021&max_date=12%2F31%2F2024). Reports filed with the Commission now reflect that the Sinema Committees made \$916,655 in total disbursement to TOA Group in 2023. *Id.*

<sup>29</sup> Compl. at 10-11

<sup>30</sup> *Id.* (alleging that the Sinema Committees have spent at least \$263,580 since the end of 2021 for travel for Senator Sinema's security detail).

1 with constituents, or the types of large public events that typically generate high security costs  
 2 during the years in question.”<sup>31</sup> Finally, the Complaint notes that Bellord has been paid for  
 3 providing security services during non-campaign events and contends that the Sinema  
 4 Committees have therefore converted funds to the personal use of Bellord and possibly Sinema  
 5 by “support[ing] the travel and lifestyle of [Bellord], including extravagant recreational  
 6 activities.”<sup>32</sup>

7 Sinema and the Sinema Committees jointly filed a Response, denying any personal use  
 8 and disputing both the broad allegations as well as the three specific categories detailed by the  
 9 Complaint.<sup>33</sup> Regarding the arguments that the expenses in question are luxuries and not usual  
 10 expenses made by committees, the Response cites to the Commission’s irrespective test for  
 11 determining personal use, arguing that “[n]othing in the definition of ‘personal use’ turns on the  
 12 amount that someone spends” nor on “the types of providers from whom services are bought or  
 13 the locations where expenditures are made.”<sup>34</sup>

14 Similarly, the Response also counters the argument that Sinema was not actively  
 15 campaigning, stating that “nothing in the definition of ‘personal use’ requires a federal  
 16 officeholder to formally announce an intent to run for re-election or fully operate a re-election  
 17 campaign before making expenditures on campaign activities.”<sup>35</sup> The Response emphasizes the  
 18 high projected cost of a Senate campaign in 2024, necessitating extensive fundraising, and that

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 12. The Complaint ultimately asserts that “Respondents have converted a portion of the Expenditures of \$241,279.25 in security detail travel spending for the personal use of Vrindavan Gabbard [Bellord], and possibly of Senator Sinema herself” but it is unclear where the specific amount, \$241,279.25, comes from. *Id.*

<sup>33</sup> Resp.

<sup>34</sup> *Id.* at 4-5.

<sup>35</sup> *Id.* a 6.

1 Sinema had filed her Statement of Candidacy prior to the date of the Complaint.<sup>36</sup> Finally, the  
2 Response notes that many of the expenses in question were paid by Sinema’s leadership PAC,  
3 which is sponsored by Sinema but has the purpose of raising funds to support other candidates,  
4 making her status as a candidate irrelevant as to its activity.<sup>37</sup>

5 The Response also denies that each of the more specific categories outlined in the  
6 Complaint constituted personal use. Regarding the alleged personal use of campaign funds in  
7 connection with personal recreational activities, Respondents state that there were valid  
8 campaign purposes supporting the expenditures. Specifically, Respondents assert that around the  
9 time of the Boston Marathon in 2021 and 2022, Sinema participated in fundraising activities on  
10 October 8 and 9, 2021 and April 13, 14, and 15, 2022, and argue that the presence of so many  
11 people in Boston for the marathon makes it “a prime location and time for effective  
12 fundraising.”<sup>38</sup>

13 Respondents similarly rebut allegations of personal use relating to \$765 spent in Boulder  
14 Colorado for “event catering” in proximity to a race Sinema participated in, explaining that  
15 Sinema also participated in a fundraising lunch and dinner on August 2, 2019, and raised funds  
16 in Boulder.<sup>39</sup> Regarding a third race in Cedar City in September 2022, the Response explains

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 6 (“Getting Stuff Done PAC is a leadership political action committee sponsored by Senator Sinema that contributes to other federal candidates. Thus, Senator Sinema participated in fundraising activities to benefit other candidates, and Getting Stuff Done PAC made expenditures in connection with those activities. For those expenditures, it does not matter whether Senator Sinema fundraised for her own campaign.”).

<sup>38</sup> *Id.* at 7.

<sup>39</sup> Compl. at 8-9, Appendix 2; Resp. at 8.

1 that the expenses in question at a pizzeria and a bicycle shop were both security related, allowing  
 2 Sinema’s “security officer to ride alongside Senator Sinema during the race and in training.”<sup>40</sup>

3 Respondents also dispute the premise that the Complaint “has spotted [a] ‘pattern of  
 4 behavior’ involving ‘the conversion of non-personal funds for personal use in connection with  
 5 sports competition activities,’” noting that, as the Complaint also acknowledges, Sinema spent  
 6 no campaign funds on a trip to New Zealand to participate in a triathlon.<sup>41</sup> The Response  
 7 concludes that, “[i]nstead Respondents make expenditures only in connection with Senator  
 8 Sinema’s fundraising activities.”<sup>42</sup>

9 Regarding the alleged personal use involving Sinema trips to Europe, the Response again  
 10 states that Sinema participated in several fundraisers including: June 27, 2022 in Rome; June 30,  
 11 2022 in London; July 3-7, 2022 in Paris; and July 8-11, 2022 in London.<sup>43</sup> The Response  
 12 disputes the Complaint’s accounting that the Sinema Committees spent more than was raised on  
 13 the trip, noting that Sinema’s fundraising included Americans living abroad, who may have used  
 14 their U.S. addresses, so the Complaint’s determination that only \$12,900 was raised from  
 15 European addresses may not encompass the full scope of Sinema’s fundraising.<sup>44</sup>

16 Finally, the Response states that the implications “that Respondents must be converting  
 17 campaign funds to personal use because Senator Sinema is friends with Tulsi Gabbard, and Ms.  
 18 Bellord is Ms. Gabbard’s sister” are without merit.<sup>45</sup> The Response argues that Bellord is

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<sup>40</sup> Resp. at 7-8. The Respondents also state that no campaign funds were spent for “Senator Sinema’s travel, lodging, or meals in connection with this trip.”

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 9.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

1 “highly qualified, and Respondents’ payments to her as Senator Sinema’s Security Director are  
 2 necessary and appropriate,” attaching Ms. Bellord’s resume, which includes more than ten years  
 3 with the U.S. Marshals Service (including work with the Dignitary Protection Program Office),  
 4 working as Security Director for a presidential candidate (her sister, Tulsi Gabbard), as well as  
 5 her 18 months as Sinema’s Security Director.<sup>46</sup> In response to the Complaint’s arguments that  
 6 these expenses are personal use based on Sinema spending a higher amount than most  
 7 committees, the Response also provides a spreadsheet maintained by the U.S. Capitol Police  
 8 detailing threats made against Sinema, including “multiple death threats that the U.S. Capitol  
 9 Police deemed credible.”<sup>47</sup>

### 10 III. LEGAL ANALYSIS

#### 11 A. Legal Background

12 Under the Act, a contribution accepted by a candidate may be used for, *inter alia*,  
 13 “otherwise authorized expenditures in connection with the campaign for Federal office of the  
 14 candidate.”<sup>48</sup> The Commission has long recognized that “candidates have wide discretion over  
 15 the use of campaign funds,”<sup>49</sup> but a contribution to a candidate shall not be converted by any  
 16 person to “personal use.”<sup>50</sup> “Personal use” means any use of funds in a campaign account of a  
 17 present or former candidate to fulfill a commitment, obligation, or expense of any person that  
 18 would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.<sup>51</sup>

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<sup>46</sup> *Id.* at 10, Ex. B.

<sup>47</sup> *Id.* at 9-10, Ex. A.

<sup>48</sup> 52 U.S.C. § 30114(a).

<sup>49</sup> Explanation and Justification for Expenditures; Reports by Political Committees; Personal Use of Campaign Funds, 60 Fed. Reg. 7,862, 7,867 (Feb. 9, 1995) (“Personal Use E&J”).

<sup>50</sup> 52 U.S.C. § 30114(b)(1).

<sup>51</sup> *Id.* § 30114(b)(2); 11 C.F.R. § 113.1(g); Personal Use E&J at 7,863.

1           The Act and Commission regulations state that the prohibition against personal use  
 2     applies only to the “use of funds in a campaign account of a present or former candidate.”<sup>52</sup>  
 3     Therefore, the Commission has recently explained that “the prohibition is limited in scope to  
 4     funds held by a candidate’s authorized committee.”<sup>53</sup> “The Commission has never determined  
 5     that the personal use restrictions extend to a leadership PAC, which by definition cannot be an  
 6     authorized candidate committee.”<sup>54</sup>

7           The Act and Commission regulations set forth certain uses of campaign funds that  
 8     constitute conversion to personal use *per se*, including a home mortgage, rent, utility payments,  
 9     and non-campaign-related automobile expenses.<sup>55</sup> For all other disbursements, the regulation  
 10    provides that the Commission shall determine on a case-by-case basis whether a given  
 11    disbursement is personal use by applying the “irrespective test” formulated in the statute.<sup>56</sup> If a  
 12    candidate “can reasonably show that the expenses at issue resulted from campaign or  
 13    officeholder activities, the Commission will not consider the use to be personal use.”<sup>57</sup>

14          Under Commission regulations, if a committee uses campaign funds to pay for travel  
 15    with a mixed purpose, that is, travel that involves both personal and campaign activities, “the

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<sup>52</sup>       See 52 U.S.C. § 30114(b); 11 C.F.R. § 113.1(g). *See also* 11 C.F.R. § 100.5(f)(1) (“An authorized committee means the principal campaign committee or any other political committee authorized by a candidate . . . to receive contributions or make expenditures on behalf of such candidate”).

<sup>53</sup>       Factual & Legal Analysis at 9, MUR 7961 (LOU PAC) (stating that “absent a change in Commission regulations, the personal use prohibition is inapplicable to LOU PAC because it is not an authorized candidate committee.”).

<sup>54</sup>       *Id.*; *see* 11 C.F.R. § 100.5(e)(6) (defining “leadership PAC”).

<sup>55</sup>       52 U.S.C. § 30114(b)(2)(A)-(I); 11 C.F.R. § 113.1(g).

<sup>56</sup>       11 C.F.R. § 113.1(g)(1)(ii).

<sup>57</sup>       *Id.*

1 incremental expenses that result from the personal activities are personal use” unless the persons  
 2 benefiting from the personal use reimburse the committee within 30 days.<sup>58</sup>

3 The Commission has provided an example to illustrate how this is applied in the  
 4 Explanation & Justification that accompanied the regulation.<sup>59</sup> In that example, a candidate  
 5 traveled to Florida to make a speech in their official capacity and then stayed a week longer for  
 6 vacation. The Commission explained that it was not considered personal use to pay for the part  
 7 of the trip that was related to the speech with campaign funds but that “the increase in the total  
 8 cost of the trip that is attributable to the extra week of vacation,” including meals and hotels, may  
 9 not be paid for by the campaign absent reimbursement.<sup>60</sup> But, the Commission also explained  
 10 that “if the vacation and the speech take place in the same location, the Member is not required  
 11 to reimburse the committee for any portion of the airfare, since that expense would have been  
 12 incurred even if the trip had not been extended.”<sup>61</sup> In subsequent precedent, the Commission has  
 13 characterized airfare as a “defined expense.”<sup>62</sup>

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<sup>58</sup> 11 C.F.R. § 113.1(g)(1)(ii)(C); *see also id.* § 113.1(g)(1)(ii)(D) (requiring candidate to reimburse campaign account within 30 days where vehicle is used for both personal and campaign-related activities, unless personal activities are a *de minimis* amount); Personal Use E&J at 7,869 (stating if committee uses campaign funds to pay for mixed travel expenses, the candidate or officeholder is required to reimburse committee for incremental expenses that resulted from personal activities).

<sup>59</sup> Personal Use E&J at 7,869.

<sup>60</sup> *Id.*; 11 C.F.R. § 113.1(g)(1)(ii)(C).

<sup>61</sup> Personal Use E&J at 7,869.

<sup>62</sup> *See* Factual & Legal Analysis at 4-5, MUR 6127 (Obama for America, *et al.*) (“While the Commission has required candidates or office holders to reimburse incremental travel expenses that are personal, (*i.e.*, additional expenses attributable to personal use in a mixed travel context), the Commission historically has considered airfare as a defined expense that is not apportioned as both a personal and campaign expense and thus applied the irrespective test to determine whether personal or campaign funds should be used to pay for the airfare.”); Advisory Opinion 2002-05 at 5 (Hutchinson) (“AO 2002-05”) (“[T]he airfare represents a defined expense that would have existed irrespective of any personal or campaign related activities, the entire cost of the ticket may be paid for by the City, with no obligation by Ms. Hutchinson or her campaign committee to reimburse the City.”).

**B. The Complaint’s Broad Allegations of Personal Use Based on Expenses Being Luxuries, Uncommon Expenses for Campaigns, or Being Spent Prior to Sinema Filing her Statement of Candidacy Do Not Establish Reason to Believe in Accordance with the Commission’s Irrespective Test**

The Complaint puts forward broad theories of personal use, each of which seeks to reflect on the appropriateness of the Sinema Committee’s use of campaign funds, but, as explained below, none of these theories establishes a violation of the Act’s personal use restriction pursuant to the irrespective test.

First, the Complaint argues that Respondents have converted funds to personal use by spending at luxury and upscale establishments and businesses, some in places not typically visited for campaign purposes.<sup>63</sup> These arguments for impropriety rely on the extravagance and rarity of the expenditure rather than discussing whether it “fulfill[s] a commitment, obligation, or expense of a person that would exist irrespective of the candidate’s campaign or duties as a federal officeholder.”<sup>64</sup> The Response denies the allegations, stating that these funds were spent “in connection with fundraising activities, and so these expenditures would not have existed irrespective of Senator Sinema’s election campaign.”<sup>65</sup>

Here the Complaint merely provides a long list of expenses which it contends are luxuries and does not point to specific expenditures that would have existed irrespective of the campaign for the Respondents to address individually.<sup>66</sup> Moreover, a number of the expenses identified in

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<sup>63</sup> Compl. at 2-4.

<sup>64</sup> 11 C.F.R. § 113.1(g).

<sup>65</sup> Resp. at 5.

<sup>66</sup> While contributors and voters may reasonably question the responsibility with which any candidate expends campaign funds on items they may personally deem unusual, unnecessary, or extravagant, the Act’s role in this context is the disclosure provisions that require the reporting of expenditures and enable contributors and voters to have the information necessary to exercise their judgment about candidates as they see fit. *See* 52 U.S.C. § 30104; *Buckley v. Valeo*, 424 U.S. 1, 66-66 (1976) (“[D]isclosure provides the electorate with information as to where political campaign money comes from and how it is spent by the candidate in order to aid the voters in evaluating those who seek federal office.”) (internal citations and quotations omitted).

1 the Complaint were paid for by Sinema's Senate office, which the Complaint acknowledges are  
 2 beyond the scope of the Commission's jurisdiction over personal use.<sup>67</sup> Additionally, other  
 3 expenses listed in the Complaint were paid for by the leadership PAC, which is not subject to the  
 4 Act's personal use prohibition under Commission precedent.<sup>68</sup> Considering this broad  
 5 allegation, which fails to provide specificity regarding any particular expense that would fail the  
 6 irrespective test and sweeps in expenses by entities not subject to the personal use restriction,  
 7 there is insufficient evidence to find reason to believe a violation occurred.<sup>69</sup>

8 The Complaint's argument that such expenses violate the personal use restriction based  
 9 on Sinema not having filed a Statement of Candidacy for the 2024 election prior to making some  
 10 of these expenditures fails for similar reasons. As the Response notes, many of the expenses in  
 11 question were paid by Sinema's leadership PAC, which is sponsored by Sinema but has the  
 12 purpose of raising funds to support other candidates, making her status as a candidate irrelevant  
 13 as to its activity.<sup>70</sup> Ultimately, whether she had registered as a candidate at the time does not  
 14 affect whether any of the referenced expenses would have existed irrespective of her candidacy  
 15 or status as an officeholder. Accordingly, the broad allegations in the Complaint fail to give rise  
 16 to a reasonable inference that a violation has occurred.

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<sup>67</sup> See Compl. n.15, Appendix 1 (reflecting \$67,436 allegedly paid by Sinema's senate office for chartered flight expenses).

<sup>68</sup> *Supra* notes 53 and 54 and accompanying text.

<sup>69</sup> See Statement of Reasons, Comm'rs Mason, Sandstrom, Smith & Thomas at 1-2, MUR 4960 (Hillary Rodham Clinton for US Senate Expl. Comm., Inc., *et al.*) ("The Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of the [Act]. . . . [M]ere speculation . . . will not be accepted as true.").

<sup>70</sup> Resp. at 6.

**C. The Complaint’s Specific Allegations of Personal Use Regarding Sinema’s Alleged Use of Funds in Connection with Personal Recreation Activities, Travel to Europe, and Security Expenses Do Not Support a Reason to Believe Finding**

As a preliminary issue, none of the expenses listed by the Complaint are alleged to have been made for purposes that are *per se* personal use under Commission regulations.<sup>71</sup> For instance, none of the expenses cover household food, clothing, tuition payments, or mortgage payments.<sup>72</sup> Instead, the expenses in question are subject to the case-by-case analysis outlined in 11 C.F.R. § 113.1(g)(1)(ii).

**1. Alleged Personal Use Relating to Sinema’s Attendance and Participation in Athletic Activities**

The first category of specific allegations involves Sinema’s alleged use of committee funds to “subsidize her trips and activities” relating to her participation in “marathons, triathlons, and bicycle races.”<sup>73</sup> The Complaint alleges that Sinema “attached incidental campaign-related events to travel that was otherwise unrelated to her duties” citing multiple instances of Sinema Committee expenditures coinciding in time and place with athletic competitions that Sinema attended or participated in.<sup>74</sup>

Respondents deny that Sinema converted funds to personal use in connection with personal recreational activities and state that there were valid campaign purposes supporting the challenged expenditures. As referenced above, regarding the funds expended around the time of the 2021 and 2022 Boston Marathons and the 2019 Ironman race in Boulder, Colorado, Respondents state that the expenses related to fundraising events and provide the dates of those

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<sup>71</sup> 11 C.F.R. § 113.1(g)(1)(i).

<sup>72</sup> *See* 11 C.F.R. § 113.1(g)(1)(i)(A)-(J).

<sup>73</sup> Compl. at 6.

<sup>74</sup> *Id.* at 6-9, Appendix 2.

1 events.<sup>75</sup> Regarding expenses paid in connection with Sinema’s travel to Cedar City, Utah in  
 2 September 2022, the Response explains that the expenses were security related, allowing  
 3 Sinema’s “security officer to ride alongside Senator Sinema during the race and in training,” and  
 4 that no campaign funds were spent for “Senator Sinema’s travel, lodging, or meals in connection  
 5 with this trip.”<sup>76</sup>

6 The explanations provided by Respondents are consistent with the committees’ reports  
 7 filed with the Commission, and the Complaint has not sufficiently undermined the reliability of  
 8 these explanations simply by noting that Sinema fundraisers sometimes coincide with  
 9 competitions that she attends.<sup>77</sup> As explained above, the Act’s personal use regulations describe  
 10 how a candidate should treat travel that involves mixed personal and campaign use, with the  
 11 candidate being personally responsible for any incremental expense that resulted from personal  
 12 activities.<sup>78</sup>

13 In the present matter, the Complaint has alleged personal use generally as to the expenses  
 14 that coincide in time and place with these athletic events. The Complaint has not pointed to any  
 15 specific expense that is related to Sinema’s personal activities, nor has our review of the relevant

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<sup>75</sup> *Supra* page 10 (noting fundraising events on October 8 and 9, 2021 and April 13, 14 and 15, 2022 around the time of the Boston Marathons, and in a fundraising lunch and dinner on August 2, 2019 in Boulder).

<sup>76</sup> Resp. at 7-8; *supra* pages 10-11.

<sup>77</sup> The Complaint appears to be resting much of its argument not on the premise that any specific expense would have existed irrespective of her campaign, but instead on the idea that the purpose of the entire trip was primarily personal, making all expenditures regarding the travel at least partially personal. *See* Compl. at 9 (“attaching incidental campaign meetings to a trip that was scheduled for the primary purpose of carrying out a personal hobby does not transform the entire trip into a legitimate campaign activity”). When the Commission adopted regulations regarding personal use, it considered such a test, seeking to determine if the use of any funds that confer a benefit on the candidate was “primarily related to the candidate’s campaign or the ordinary and necessary duties of a holder of Federal office,” but rejected this approach in favor of the irrespective test discussed above. Personal Use E&J at 7863. Under the irrespective test, the Commission does not endeavor to unearth the motives or “primary purpose” of the use of funds that may have both personal and campaign benefits. Instead, the Commission solely asks whether the expense would have occurred irrespective of campaign or officeholder duties.

<sup>78</sup> 11 C.F.R. § 113.1(g)(1)(ii)(C).

1 reports revealed any expenses that are clearly personal in nature. This is consistent with  
2 Respondents' statements regarding Sinema's trip to Cedar City, which appears to support a  
3 conclusion that Respondents used an incremental approach to the division of expenses for mixed  
4 purpose travel. On that trip, where Sinema participated in a bike race, her campaign reported use  
5 of campaign funds for \$543, which Respondents state were security related expenses, but  
6 simultaneously state that Respondents did not use "any campaign funds for Senator Sinema's  
7 travel, lodging, or meals in connection with this trip."<sup>79</sup> Our review of the relevant reports does  
8 not contradict these statements. Such a division of personal from campaign/officeholder  
9 expenses tracks with the incremental approach described by Commission regulations.<sup>80</sup>

10 The Commission was presented with a similar allegation in MUR 7947 (Swalwell for  
11 Congress), where the complaint alleged that Swalwell used campaign funds for entertainment  
12 expenses, specifically a camel ride in Qatar.<sup>81</sup> The Commission dismissed this personal use  
13 allegation, among others, noting that the Complaint did not identify any specific disbursement in  
14 the Committee's reports connected to an entertainment expense.<sup>82</sup>

15 The Response has provided general denials to general allegations and specific denials to  
16 specific allegations, providing campaign purposes for particular complained of expenses.

17 Therefore, there is not sufficient information to find reason to believe that Sinema or the Sinema

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<sup>79</sup> Resp. at 8.

<sup>80</sup> 11 C.F.R. § 113.1(g)(1)(ii)(C). This conclusion is also consistent with Sinema's treatment of her trip to New Zealand for a triathlon, in conjunction with which the Complaint acknowledges that Sinema appears to have spent no campaign funds. *See* Compl. at 7, n.23; Resp. at 8.

<sup>81</sup> Factual & Legal Analysis, MUR 7947 (Swalwell for Congress, *et al.*).

<sup>82</sup> Factual & Legal Analysis at 6, 10-12, MUR 7947 (Swalwell for Congress, *et al.*).

1 Committees converted funds to personal use regarding the referenced trips in which she  
2 participated in athletic competitions.

3                   2.       Alleged Personal Use Relating to Sinema’s European Travel

4               The second category of specific allegations involves expenses relating to Sinema’s travel  
5 to Europe. The Complaint points to \$20,079 in payments made on trips to Europe, that included  
6 payments for “high-end restaurants and luxury Parisian hotels.”<sup>83</sup> Based on these purportedly  
7 extravagant expenditures, social media posts by Sinema and others in Europe featuring  
8 recreational activities, and what the Complaint argues is a relatively small fundraising haul from  
9 individuals with European addresses, the Complaint alleges that “a substantial purpose” of the  
10 trip was leisure rather than campaign related activity.<sup>84</sup>

11           The Response states that Sinema participated in several fundraisers including: June 27,  
12 2022 in Rome; June 30, 2022 in London; July 3-7, 2022 in Paris; and July 8-11, 2022 in  
13 London.<sup>85</sup> Moreover, the Response disputes the Complaint’s calculation of the funds raised at  
14 these fundraisers, noting that looking only at funds raised from individuals with European  
15 addresses ignores any American expats that may be using their United States addresses for  
16 purposes of providing contribution information.<sup>86</sup>

17           Similar to the allegations above regarding Sinema’s participation in athletic activities, the  
18 Complaint does not cite any specific expense that is clearly personal, and the Response has  
19 provided a valid campaign purpose regarding specific fundraisers. Moreover, it appears that  
20 Sinema’s leadership PAC, Getting Stuff Done PAC, paid for all of the expenses relating to

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<sup>83</sup> Compl. at 9, Appendix 3.

<sup>84</sup> *Id.* at 9-10.

<sup>85</sup> Resp. at 9.

<sup>86</sup> *Id.*

1 Sinema’s European travel identified in the Complaint.<sup>87</sup> The Commission has concluded in a  
 2 previous matter that expenditures by leadership PACs are not subject to the personal use  
 3 restrictions.<sup>88</sup> Therefore, even if these expenses would have existed irrespective of Sinema’s  
 4 campaign or officeholder status, they are not considered personal use under current Commission  
 5 precedent.

6 3. Alleged Personal Use Relating to Security Expenses Paid by the Sinema  
 7 Committees

8 The final category of specific allegations involves expenses relating to security services  
 9 provided by Vrindavan Gabbard Bellord and her security company, TOA Group, LLC. The  
 10 Complaint alleges that these expenses are personal rather than campaign related, for two reasons:  
 11 (1) because the primary provider of these services is the sister of a friend of the candidate; and  
 12 (2) because the amount spent on these security services is allegedly higher than the amount spent  
 13 by all but one other member of Congress.<sup>89</sup>

14 The Commission has clarified in a recent advisory opinion that “the reasonable costs of  
 15 bona fide, legitimate, professional personal security personnel for officeholders and their  
 16 immediate family members constitute ordinary and necessary expenses incurred in connection  
 17 with officeholders’ duties and are a permissible use of campaign funds under the Act and

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<sup>87</sup> Compl., Appendix 3.

<sup>88</sup> See Factual & Legal Analysis at 9, MUR 7961 (LOU PAC) (“the prohibition is limited in scope to funds held by a candidate’s authorized committee”) (citing AO 2008-17 (KITPAC) (Leadership PACs are by definition not affiliated with authorized committee and personal use applies only to committees that are authorized)). The Commission has also expressed its concern regarding the limited scope of the personal use restriction and in recent years has included in its recommendations to Congress that the Act be revised to make all political committees subject to the personal use restriction. See *e.g.*, Federal Election Commission, Legislative Recommendations 2023 at 15 (Dec. 14, 2023), <https://www.fec.gov/documents/4958/legrec2023.pdf>.

<sup>89</sup> Compl. at 10-11.

Commission regulations.”<sup>90</sup> The Commission reached this conclusion based on “information provided about security threats that exist due to the Members’ duties as federal officeholders.”<sup>91</sup>

In the present matter, Respondents have provided information demonstrating that, notwithstanding a personal connection<sup>92</sup> between Bellord and Sinema, Bellord is the kind of “professional personal security personnel” that is referred to in Advisory Opinion 2021-03.<sup>93</sup> Respondents provide Bellord’s resume, which includes more than ten years with the U.S. Marshals Service (including work with the Dignitary Protection Program Office), working as Security Director for a presidential candidate (her sister, Tulsi Gabbard), as well as her 18 months as Sinema’s Security Director.<sup>94</sup> Moreover, Respondents have provided a spreadsheet maintained by the U.S. Capitol Police detailing of threats made against Sinema, including “multiple death threats that the U.S. Capitol Police deemed credible,” demonstrating a particular need for a high level of security for Sinema.<sup>95</sup> Therefore, Respondents appear to be similarly situated to the Requestors in Advisory Opinion 2021-03, having demonstrated both the existence of threats and that the security services retained are “bona fide, legitimate, professional personal

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<sup>90</sup> Advisory Opinion 2021-03 (NRSC & NRCC) at 3. Several other Advisory Opinions have also approved the use of campaign funds for residential security for candidates and office holders. *See* Advisory Opinion 2020-06 (Escobar) at 3; Advisory Opinion 2011-17 (Giffords) at 3; Advisory Opinion 2011-05 (Terry) at 4; Advisory Opinion 2009-08 (Gallegly) at 4.

<sup>91</sup> Advisory Opinion 2021-03 (NRSC & NRCC) at 3.

<sup>92</sup> Payments to family members and individuals sharing a residence with the candidate may be subject to additional scrutiny under the Commission’s personal use regulations, which require that such payments be “at fair market value.” 11 C.F.R. §§ 113.1(g)(1)(i)(H), (g)(7). While the Commission is in possession of only limited information from which to determine whether such services were paid at “fair market value,” because Bellord is not Sinema’s family and no information indicates they reside together, further analysis of this provision is unnecessary. *See* 11 C.F.R. § 113.1(g)(7) (defining family member as: “[t]he spouse of the candidate. . . [a]ny child, step-child, parent, grandparent, sibling, half-sibling or step-sibling of the candidate or the candidate’s spouse. . . [t]he spouse of any child, step-child, parent, grandparent, sibling, half-sibling or step-sibling of the candidate; and. . . [a] person who shares a residence with the candidate.”).

<sup>93</sup> Advisory Opinion 2021-03 (NRSC & NRCC) at 3.

<sup>94</sup> Compl. at 10, Ex. B.

<sup>95</sup> *Id.* at 9-10, Ex. A.

1 security personnel.”<sup>96</sup> Accordingly, Respondents are shielded from any allegation of personal  
 2 use relating to the retention of these security services.

3 \* \* \*

4 As described above, Respondents have provided general denials to general allegations  
 5 and specific denials to specific allegations, providing campaign purposes for particular  
 6 complained of expenses in connection with the alleged personal use relating to Sinema’s travel  
 7 for athletic competitions, and provided valid campaign purposes regarding specific fundraisers  
 8 during her European travel. Additionally, Respondents have provided information to justify the  
 9 security expenditures identified in the Complaint under the irrespective test. Accordingly, the  
 10 Commission dismisses the allegation that Respondents converted contributions to personal use,  
 11 in violation of 52 U.S.C. § 30114(b). Because there does not appear to be a personal use  
 12 violation, the Commission dismisses the allegation that Sinema for Arizona, Getting Stuff Done  
 13 PAC, and Sinema Leadership Fund, violated 52 U.S.C. § 30104(b)(5)(A) by improperly  
 14 reporting the purpose of expenditures.

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<sup>96</sup> Advisory Opinion 2021-03 (NRSC & NRCC) at 3. The Complaint’s secondary arguments that these security payments are somehow suspect based on: (1) lump-sum payments to a security firm instead of smaller payments to individual security officers, (2) potentially increased security travel costs owing to Bellord living in Texas (rather than Arizona where Sinema resides), or (3) the Complaint’s argument that the costs are particularly high in light of the lack of “large public events” are similarly unpersuasive. These arguments may address the appropriateness or prudence of such expenditures, but they do not present any reason why a particular expense that the Sinema Committees paid for would have existed irrespective of her status as a candidate or officeholder. *See supra* note 66.