FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

VIA ELECTRONIC MAIL AND
UPS SIGNATURE REQUESTED

Robin Lyn Carder
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April 10, 2025

RE: MUR 8255

Dear Ms. Carder:

On March 11, 2025, the Federal Election Commission reviewed the allegations in your Complaint dated May 2, 2024, and, on the basis of the information provided in your complaint and information provided by Frank D. Lucas and Lucas for Congress and Susan Balkenbush in her official capacity as treasurer (the "Committee") dismissed the allegation that Lucas and the Committee violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g), a provision of the Federal Election Campaign Act of 1971, as amended, and Commission regulations, by converting campaign funds into personal use. Accordingly, the Commission voted to close the file in this matter effective April 10, 2025.

The Commission will place documents related to the case 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 Act 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 me (202) 694-1650.

Sincerely,

Lisa Stevenson
Acting General Counsel

Aaron Rabinowitz

BY: Aaron Rabinowitz
Assistant General Counsel

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENTS:** Lucas for Congress and Susan Balkenbush **MUR:** 8255
4 in her official capacity as treasurer
5 Frank D. Lucas
6
7

8 **I. INTRODUCTION**

9 The Complaint in this matter alleges that Frank D. Lucas, a candidate for Oklahoma 3rd
10 Congressional District, and his principal campaign committee, Lucas for Congress and Susan
11 Balkenbush in her official capacity as treasurer (the "Committee"), made "questionable"
12 fundraising disbursements for travel, lodging, meals, and entertainment related to the National
13 Finals Rodeo in Las Vegas, Nevada, which the Complaint suggests constituted potential
14 conversion of campaign funds to personal use, in violation of the Federal Election Campaign Act
15 of 1971, as amended (the "Act"). The Complaint surmises that the disbursements may have been
16 personal because there were no noticeable increases in contributions to the Committee following
17 the rodeo and Lucas owns a ranching business. The Responses deny that the expenses at issue
18 were for personal use and assert that all of the Committee's disbursements were related to
19 fundraising events surrounding the Rodeo.

20 As explained below, the Complaint's allegations of personal use are speculative and not
21 supported by the available information. Accordingly, the Commission dismisses the allegation
22 that Lucas and the Committee violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g) by
23 converting campaign funds to personal use.

1 **II. FACTUAL BACKGROUND**

2 Representative Frank Lucas has been a member of the U.S. House of Representatives,
3 representing Oklahoma's 3rd Congressional District, since January 3, 2003.[1] He was a 2024
4 candidate for the same district and won re-election.[2] Lucas for Congress is Lucas's principal
5 campaign committee; Susan Balkenbush is its treasurer.[3]

6 The Complaint alleges that, from 2011 to 2023, Respondents used campaign funds to
7 make disbursements totaling $95,812.22 for "questionable" fundraising expenses related to the
8 annual National Finals Rodeo in Las Vegas, Nevada,[4] resulting in the conversion of campaign
9 funds to personal use.[5] The Complaint provides tables derived from the Committee's disclosure
10 reports, reflecting expenses for meals, lodgings, transportation, and entertainment.[6] The
11 Complaint claims that these expenses are not campaign-related because there were "no
12 noticeable increases in donations in the days and weeks following the rodeo" and because they

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[1] *Frank Lucas*, 2025 BALLOTPEDIA, https://ballotpedia.org/Frank_Lucas (last visited Jan. 29, 2025); Frank Lucas, Amended Statement of Candidacy at 1 (Jan. 13, 2023).

[2] *Oklahoma's 3rd Congressional District*, 2025 BALLOTPEDIA, https://ballotpedia.org/Oklahoma%27s_3rd_Congressional_District_election,_2024 (last visited Jan. 29, 2025).

[3] Lucas for Congress, Statement of Organization at 1 (June 3, 2019).

[4] The National Finals Rodeo ("NFR") is a championship rodeo event held annually by the Professional Rodeo Cowboys Association ("PRCA") in Las Vegas, *Watch the NFR Live Free 2024 Las Vegas Rodeo*, https://www.sportdown.com/ (last visited Jan. 29, 2025).

[5] Compl. at 1-4 (May 2, 2024). The disbursements that pre-date 2020, totaling $60,405.92, would fall beyond the five-year statute of limitations, leaving $35,406.30 within the statute of limitations period.

[6] *Id.* at 3-4.

"appear to be more of a personal nature" given Lucas's family ranching business.[7] The Complaint does not provide any information beyond these assertions to support these allegations.

The Response from Lucas and the Committee contends that the disbursements were, in fact, related to fundraising surrounding the Rodeo.[8] Further, the Response argues that the Complaint is facially speculative and lacks a factual basis to support the allegations.[9] The Response points out that federal "campaigns routinely pay for tickets for donor fundraising events connected to sporting events and other forms of entertainment,"[10] noting that: the National Finals Rodeo is attended by donors and stakeholders with a strong interest in rural and agricultural issues; it would be normal for Lucas, who represents a rural district and has served on the House Committee on Agriculture, to hold fundraisers at this event; and a review of disclosure reports show that other campaigns and political committees make disbursements "for tickets and related expenses to attend the National Finals Rodeo every year" and "to attend other rodeos, concerts, baseball games, and the like."[11]

III. LEGAL ANALYSIS

The Act affords federal candidates and their campaign committees wide discretion in the disposition of their campaign funds and provides that contributions accepted by a candidate may be used by the candidate "for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate" and "for ordinary and necessary expenses incurred in

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[7] *Id*. at 1.

[8] Committee Resp. at 2 (June 11, 2024). Lucas separately filed a Response adopting the response of the Committee. Lucas Resp. at 1 (July 11, 2024).

[9] Lucas Resp. at 1.

[10] Committee Resp. at 2.

[11] *Id*.

1 connection with duties of the individual as a holder of Federal office."[12] The Act prohibits the
2 conversion of campaign funds by any person to "personal use."[13] "Personal use" is the use of
3 funds in a campaign account "to fulfill a commitment, obligation or expense of any person that
4 would exist irrespective of the candidate's campaign or duties as a Federal officeholder."[14]
5 The Act and Commission regulations list certain uses of campaign funds that constitute
6 *per se* conversion to personal use, including home mortgage, rent, utility payments,
7 non-campaign-related automobile expenses, other non-campaign-related trips, and admission to a
8 sporting event, concert, theater or other form of entertainment, unless part of specific campaign
9 or officeholder activity.[15] For other payments, the "Commission will determine, on a case-by-
10 case basis, whether other uses" of campaign funds constitute personal use by applying the
11 "irrespective test," that is, whether the payment fulfills a commitment, obligation, or expense
12 that would exist irrespective of the candidate's campaign or duties as a federal officeholder.[16]
13 Commission regulations specify that meal, travel, and vehicle expenses are evaluated on a case-
14 by-case basis.[17] Such expenses are not personal use "[i]f the candidate can reasonably show that
15 the expenses at issue resulted from campaign or officeholder activities."[18]
16 At the outset, the claim that there was no noticeable increase in contributions after the
17 rodeos is speculative and not a basis to infer that the payments were for personal use. Campaign
18 activities may be less successful than intended or they may have longer-ranger purposes. In any

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[12] 52 U.S.C. § 30114(a)(1).

[13] *Id.* § 30114(b); 11 C.F.R. § 113.2.

[14] 11 C.F.R. § 113.1(g).

[15] 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g).

[16] 11 C.F.R. § 113.1(g)(1)(ii).

[17] *Id*. § 113.1(g)(1)(ii)(C)-(D).

[18] Explanation and Justification for Expenditures; Reports by Political Committees; Personal Use of Campaign Funds, 60 Fed. Reg. 7862, 7868 (Feb. 9, 1995).

1 event, the legitimacy of disbursements is not based on whether they successfully resulted in
2 contributions. Further, the mere fact that Lucas owns a ranching business is insufficient to
3 support the allegation that the expenses were personal rather than campaign-related. As the
4 Committee's Response notes, the event appears to be frequented by numerous campaigns as a
5 fundraising event.[19] In addition, many of the disbursements include fundraiser or fundraising in
6 their name and, on their face, appear legitimate.[20] The Commission has previously voted to
7 dismiss allegations in circumstances involving unsupported claims of personal use.[21]
8 In conclusion, the Commission dismisses the allegation that the Committee and Lucas
9 violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g) by converting campaign funds to
10 personal use.

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[19] Committee Resp. at 2.

[20] Several of the disbursements to PRCA are described as "tickets for fundraiser" or "fundraising tickets" and other disbursements to named establishments are described as "food for fundraiser." *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&disbursement_description=tickets%20for%20fundraiser; https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&disbursement_description=fundraising%20tickets ; https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&recipient_state=NV&disbursement_description=food%20for%20fundraiser (last visited Feb. 12, 2025). Other disbursements appear to be campaign-related based on the purpose description and/or the explanation provided in the Response. *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&recipient_name=prca; https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&recipient_name=las+vegas+events&two_year_transaction_period=2024&disbursement_description=tickets; https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&recipient_name=4+ , https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00287912&recipient_name=AWG+Ambassador&recipient_name=fleur+mandala+bay&recipient_name=four+seasons+hotel&recipient_name=thomas+and+mack&recipient_name=unlv+board+regents (last visited Feb. 9, 2025) (disbursements to named establishments for tickets, meals, lodgings, transportation, 2012-2024 cycles).

[21] *E.g.*, Factual & Legal Analysis ("F&LA") at 4-6, MUR 7421 (Cramer for Senate, *et al.*) (finding no reason to believe as to allegations of personal use where Complaint failed to provide any information to substantiate allegations that reimbursement for meals and travel were excessive); F&LA at 5-6, MUR 8221 (McCorkle for Colorado, *et al.*) (dismissing allegations of personal use in connection with travel and meal expenses where claims were unsubstantiated and the Responses provided information and representations to show payments were for legitimate campaign expenses.).