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Litigation

FEC v. Craig for U.S. Senate

On March 28, 2013, the United States District Court for the District of Columbia denied the defendants' motion to dismiss in *FEC v. Craig for U.S. Senate*, a suit that claims former Senator Larry Craig impermissibly converted campaign funds to personal use.

Complaint

The Commission's complaint alleges that the defendants, Craig for U.S. Senate, its treasurer, Kaye L. O'Riordan, and Mr. Craig, violated 2 U.S.C §439a(b) by spending more than \$200,000 in campaign funds to pay legal expenses stemming from Mr. Craig's attempt to withdraw the guilty plea he entered following his June 2007 arrest at the Minneapolis-St. Paul airport. The suit claims that these expenses were not incurred in connection with Mr. Craig's campaign for federal office or with his ordinary and necessary duties as a Senator, and that the payment of these expenses with campaign funds amounts to impermissible personal use. The FEC seeks, among other things, an order assessing civil penalties and requiring Mr. Craig to repay the campaign funds he used for his personal legal expenses to his campaign committee.

The defendants moved to dismiss the suit, arguing: the use of campaign funds for Mr. Craig's legal expenses was expressly permitted under the statute and not subject to the prohibition against personal use; and the defendants should be immune from FEC enforcement in this case based on FEC advisory opinions that defendants claim approve the use of campaign funds in similar situations.

Court Opinion

The court found neither of these arguments persuasive and denied the motion to dismiss.

The court concluded that the expenditures for legal fees could not be characterized as ordinary and necessary expenses in connection with Mr. Craig's duties as a federal officeholder and that the expenses would have existed irrespective of his duties as an officeholder.

The court also rejected the defendants' reliance on past FEC advisory opinions because the facts in those opinions are entirely distinguishable from the facts in this case.

The court ordered the parties to file a joint report by April 19 and to attend a status and scheduling conference on April 26.

U.S. District Court for the District of Columbia: Case 1:12-cv-00958-ABJ.

(Posted 4/4/2013; By: Isaac J. Baker)

Resources:

- [Memorandum Opinion in *FEC v. Craig for U.S. Senate*](#)
- [Order in *FEC v. Craig for U.S. Senate*](#)
- [FEC v. Craig for U.S. Senate litigation page](#)

Outreach

FEC to Host May 22 Seminar/Webinar for Trade Associations, Membership and Labor Organizations and their Political Action Committees

The Commission will hold a seminar for trade associations, membership and labor organizations and their political action committees (PACs) at its Washington, DC, headquarters on Wednesday, May 22, 2013. The seminar will also be offered as a webinar for those who cannot attend in person. Commissioners and staff will conduct a variety of technical workshops on the federal campaign finance laws affecting these organizations and their PACs. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. To view the agenda or to register for the seminar, please visit the seminar website at <http://www.fec.gov/info/conferences/2013/tradememberlaborseminar.shtml>.

Webinar Information. Seminar workshops will be simulcast for online attendees, who will see workshop slides, hear the presentations and be able to ask questions via live chat. Additional instructions and technical information will be provided to those who register for the webinar.

In-Person Attendees. The seminar will be held at the FEC's headquarters at 999 E Street, NW, Washington, DC. The building is within walking distance of several subway stations. Attendees are responsible for making their own arrangements for accommodations. The FEC recommends that individuals planning to travel to attend the seminar wait to finalize travel arrangements until their conference registration has been confirmed by Sylvester Management Corporation.

Workshop Materials. Webinar participants will receive electronic copies of workshop materials in advance, and those attending in-person may choose that option when they register. Alternatively, seminar attendees may elect to receive a binder with printed materials the morning of the event.

Registration Information. The registration fee is \$100 to attend in-person or \$75 to participate online. Registration fees include a \$25 nonrefundable transaction fee. A full refund (minus the transaction fee) will be made for all cancellations received before 5 p.m. EDT on Friday, May 17; no refund will be made for cancellations received after that time. Complete registration information is available online at <http://www.fec.gov/info/conferences/2013/tradememberlaborseminar.shtml>.

Registration Questions

Please direct all questions about seminar/webinar registration and fees to Sylvester Management Corporation (Phone: 1-800/246-7277; email: Rosalyn@sylvestermanagement.com). For other questions call the FEC's Information Division at 1-800/424-9530 (press 6), or send an email to Conferences@fec.gov.

(Posted 4/12/13; By Molly Niewenhous)

Resources:

- [**FEC Educational Outreach Opportunities**](#)

Statistics

FEC Summarizes Campaign Activity of the 2011-2012 Election Cycle

Federal candidates, parties and political action committees (PACs) raised and spent more than \$7 billion during 2011 and 2012, according to campaign finance reports filed with the Federal Election Commission. This sum includes part of the nearly \$1.3 billion spent on independent expenditures and electioneering communications.

Presidential candidates reported raising and spending nearly \$1.4 billion during 2011-2012. That figure includes primary matching payments to three eligible candidates totaling over \$1.3 million. As of December 31, 2012, presidential campaigns reported a total of \$13.8 million in debt and a combined cash-on-hand of \$5.5 million.

The 1,949 candidates running for House and Senate reported raising and spending nearly \$1.9 billion during the 2012 election cycle. At year's end, they reported a combined cash-on-hand of \$211.1 million and total debts of \$107.2 million.

National, state and local political party committees raised and spent roughly \$1.6 billion during the 2012 cycle. As of December 31, 2012, their debts totaled \$78.9 million and their cash-on-hand came to \$36.9 million.

During 2011-2012, 7,311 federal PACs reported total receipts of nearly \$2.3 billion, disbursements of nearly \$2.2 billion, debts of \$24.4 million, and a combined cash-on-hand of \$409.4 million. Contributions from these PACs to federal candidates totaled \$423.1 million as of December 31, 2012, with Senate candidates receiving \$80.1 million, House candidates \$341.2 million and presidential candidates \$1.8 million.

In 2011-2012, independent expenditure filings reported to the Commission totaled more than \$1.25 billion. Of that amount, \$583.8 million was spent in connection with the presidential election and \$666.7 million was spent on House and Senate races. Independent Expenditure-Only Committees – commonly known as Super PACs – accounted for \$606.8 million of those disbursements. Persons other than political committees disclosed another \$300.4 million and party committees spent \$252.4 million. Independent expenditures by PACs totaled \$78 million and committees with non-contribution accounts reported \$12.9 million.

Filers reported \$15.1 million in electioneering communications during 2011 and 2012.

Data summary tables for reports submitted to the Commission through December 31, 2012 are listed below for:

- Presidential candidate committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/PresCandYE.shtml>;
- Historical presidential candidates http://www.fec.gov/press/bkgnd/pres_cf/pres_cf_Even.shtml;
- Congressional candidate committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/CongCandYE.shtml>;
- PACs <http://www.fec.gov/press/summaries/2012/ElectionCycle/PACYE.shtml>;
- Independent expenditures http://www.fec.gov/press/summaries/2012/ElectionCycle/IE_ECYE.shtml;
- Political party committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/NatPartyYE.shtml>; and
- Electioneering communications http://www.fec.gov/press/summaries/2012/ElectionCycle/IE_ECYE.shtml.

(Posted 04/26/13; By Alex Knott)

Resources:

- [FEC Press Release](#) (April 19, 2013)
- [Campaign Finance Disclosure Portal](#)