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OFFICE OF GENERAL

December 7, 2016

Federal Election Commission
Attn: Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

RE: Advisory Opinion Request

Dear Ms. Stevenson,

This letter constitutes a request to the Federal Election Commission (the "Commission") for an advisory opinion on behalf of the Mike Pence for Indiana campaign committee regarding the use of non-federal funds in a state campaign account.

Prior to July 15, 2016, Mr. Pence was a candidate for Governor in Indiana. Thereafter, Mr. Pence was nominated by the Republican Party on July 19, 2016 to be its nominee for Vice President of the United States. When Mr. Pence became a candidate for Vice President, his state campaign committee became limited by 52 U.S.C. § 30125; which, generally prohibits federal candidates and office holders from transferring or spending funds in connection with any election other than an election for federal office unless the funds comply with federal amount limits and source prohibitions.

Upon Mr. Pence's nomination, the state campaign committee ceased raising funds and relied on Advisory Opinion 2007-26 (the "2007 Opinion") as to the cash management of the state campaign account as allowed by 52 U.S.C. § 30108 (i.e., reliance on an advisory opinion is allowed when the activity is indistinguishable in all its material aspects from the transaction for which the opinion was rendered by the Commission).

The state campaign committee paid all expenses it accrued through July 19, 2016 and applied a reasonable accounting method to determine the amount of funds which were federally permissible for distribution. The state campaign committee contributed its federally permissible funds to appropriate committees and issued refunds to eligible donors who requested a refund. All of which was within the limitations of the Federal Election Campaign Act and its progeny (the "Act"). The state campaign committee no longer holds any federally permissible funds, but instead retains surplus funds that, while compliant with Indiana law, were not raised in accordance with the contribution limits and source restrictions of the Act.

Under the 2007 Opinion, the Commission advised that a state campaign committee of a federal candidate may retain non-federal funds in its account indefinitely so long as state law permits the retention. Indiana law permits such indefinite retention. The 2007 Opinion, however, does not address the continued management of retained assets. Therefore, the Mike Pence for Indiana state campaign committee asks the Commission to clarify whether it may do the following:

1. May the state campaign committee use non-federal funds in its state campaign account to pay for the storage of non-federal campaign assets that are solely owned by the state campaign committee? For illustration, the state campaign committee has numerous files, filing cabinets, desks, chairs, and a vehicle. None of the assets would actually be used by any active state or federal campaign, but would instead be placed in a storage unit until disposed of properly under the Act or in line with the 2007 Opinion.
2. May the state campaign committee use non-federal funds in its state campaign account to pay for either legal or accounting expenses necessary to comply with Indiana campaign disclosure requirements imposed on state campaign committees? Meaning, the law allows for the indefinite retention of non-federal funds in a state campaign account, but must that same campaign committee use only federally permissible funds to pay for the preparation and filing of state campaign disclosure requirements?
3. May the state campaign committee use non-federal funds in its state campaign account to pay for the legal and accounting expenses typically associated with winding down a campaign committee following the distribution or disposal of assets?

We sincerely appreciate the Commission's consideration and advice on this matter. Please do not hesitate to contact us should you have any questions.

Sincerely,



Matthew E. Morgan