

CLEMENTS

OFFICE OF
GENERAL COUNSEL

RECEIVED

By Office of the Commission Secretary at 2:51 pm, Jun 07, 2018

2018 JUN -5 PM 1: 22

June 4, 2018

Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

To Whom It May Concern:

I am writing this letter to respectfully request an Advisory Opinion from the Federal Election Commission, authorizing me to use campaign funds to cover 100% of legal expenses for campaign legal expenses incurred in legal expenses to gain access to the ballot in my Congressional race.

I am a candidate for Federal Office: the Michigan 6th Congressional District in the Democratic Party Primary which is to be held on August 7, 2018. There is a requirement that candidates for Congress obtain and submit a minimum of 1,000 petition signatures to the County Clerk on or before May 24, 2018. (MCL 168.133; MCL 168.544f). After I submitted my signatures, at a hearing on June 1, 2018, the Michigan Board of State Canvassers, acting upon a Challenge to petition sufficiency, erroneously ruled that there were not sufficient signatures filed.

With 1,000 signatures required, the State Bureau of Elections which prepared the Staff Report for the Board of Canvassers, found that my petition had 991 valid signatures after the Challenge. However, during its deliberations at the hearing, the Bureau of Elections official at the meeting indicated that if signatures where the signer wrote the incorrect jurisdiction of registration were accepted – i.e. where the signer checked the box for “city” when their residence is in a “township” of the same name, or vice versa – then I would have more than 1,000 valid signatures.

The State statute upon which the ruling was based amounts to a “geography test” imposed on voters that will not survive legal scrutiny as it sows voter confusion, is contradictory on its face, and deprives the voters of their right to

Paid for by Clements for Congress
2517 Broadway, Kalamazoo, MI 49008
269-552-5570
paul@clementsforcongress.com



AOR001

vote for the candidate of their choosing in violation of the Federal and State Constitutions, U.S. Supreme Court precedent, and State law.

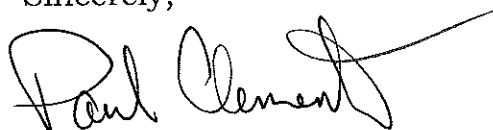
Accordingly, my campaign has engaged legal counsel to examine the legal questions involved and to prepare pleadings to reverse this decision so as to protect the right to vote in court.

My understanding is that The Federal Election Campaign Act ("Act") sets forth permissible and impermissible uses for the expenditure of campaign funds. 52 U.S.C. Sec. 30101, et seq.). And under the Act, the Federal Election Commission (FEC) conducts a case-by-case review to determine whether the use of campaign funds to pay legal expenses is lawful under the Act. 11 C.F.R. §113.1(g)(1)(ii)(A). My further understanding is that there is ample precedent from FEC Advisory Opinions where the use of campaign funds for campaign legal expenses is allowed. (See, In re Joe Miller, Advisory Opinion 2013-11; Campaign Guide for Congressional Candidates).

I have been advised that "In several advisory opinions the Commission has said that campaign funds may be used to pay for up to 100 percent of legal expenses related to campaign or officeholder activity, where such expenses would not have occurred had the individual not been a candidate or officeholder."

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Paul Clements". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Paul Clements

CC: Angela L. Baldwin, Esq.
Melvin Butch Hollowell, Esq.