



July 6, 2017

## By Electronic Mail

Lisa J. Stevenson, Esq.  
Acting General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Re: Comments on Advisory Opinion Request 2017-07

Dear Ms. Stevenson:

The Campaign Legal Center respectfully submits these comments in response to Advisory Opinion Request 2017-07 (Sergeant at Arms).

The request is consistent with the Act and Commission regulations and should be approved. We write to recommend that the Commission ensure that its opinion approving the request is clear in two respects.

First, the request is specific to Members of Congress and to 52 U.S.C. § 30114(a)(2), which permits the spending of campaign and leadership PAC funds on “ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office.” The request neither asks nor provides any factual information about non-Member candidates, and it does not seek approval under 52 U.S.C. § 30114(a)(1), which governs candidate expenses. Because nothing in the AOR indicates whether non-Member candidates face the same security risks as Members, the Commission should confine its opinion to concluding that the proposed activities are permissible officeholder expenses under section 30114(a)(2), saving for another day the question of whether the Act permits similar spending by non-Member candidates.

Second, the request applies to “residential security systems that do not constitute structural improvements.” Because the terms “security system” and “structural” are potentially ambiguous — and because home improvements are fertile grounds for corruption<sup>1</sup> — we recommend that the Commission be more specific: The Commission should approve the

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<sup>1</sup> See, e.g., Alison Leigh Cowan, *Confidante Testifies About Gifts and Favors for the Rowlands*, N.Y. Times (June 17, 2004), <http://www.nytimes.com/2004/06/17/nyregion/confidante-testifies-about-gifts-and-favors-for-the-rowlands.html> (discussing impeachment inquiry into acceptance of home improvements by Governor John Rowland, who later resigned and was incarcerated); Sam Dolnick, *Kerik Is Sentenced in Corruption Case*, N.Y. Times (Feb. 18, 2010), <http://www.nytimes.com/2010/02/19/nyregion/19kerik.html> (noting sentencing of New York City Police Commissioner Bernard Kerik “on charges that a New Jersey construction company . . . , which was suspected of ties to organized crime, had paid for renovations at his home”); Ann E. Marimow, Matt Zapotosky, and Paul Schwartzman, *Gray knew of ‘shadow campaign,’ Thompson prosecutors say; mayor says it’s all a lie*, Wash. Post (Mar. 10, 2014), [https://www.washingtonpost.com/local/crime/jeffrey-thompson-alleged-shadow-campaign-funder-is-charged-in-federal-court/2014/03/10/7bf6ca14-99a8-11e3-80ac-63a8ba7f7942\\_story.html](https://www.washingtonpost.com/local/crime/jeffrey-thompson-alleged-shadow-campaign-funder-is-charged-in-federal-court/2014/03/10/7bf6ca14-99a8-11e3-80ac-63a8ba7f7942_story.html) (detailing guilty plea by defendant who “gave \$40,000 to [a] ‘close personal friend’ [of District of Columbia Mayor Vincent Gray] in part to finance home improvements”).

installation and monitoring costs of cameras, sensors, and similar removable security devices in and around a Member's home. This would make clear that a Member would be required to use personal funds to finance non-structural security measures, such as upgrades to window glass, that are also home improvements.

Sincerely,

/s/ Adav Noti

Adav Noti  
Senior Director, Trial Litigation and Strategy