



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**FACSIMILE NO.: (202) 654-9150**

**'AUG 14 2015**

Brian Svoboda, Esq.  
Perkins Coie  
700 Thirteenth Street, N.W.  
Suite 600  
Washington, D.C 20005-3960

RE: MURs 6862 & 6874  
Friends of Mary Landrieu and  
Nancy Marsiglia in her official capacity  
as treasurer  
Senator Mary Landrieu

Dear Mr. Svoboda:

On August 26, 2014 and September 25, 2014, the Federal Election Commission notified your clients of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 11, 2015, the Commission found, on the basis of the information in the complaint, and information provided on behalf of your clients that there is no reason to believe that the respondents violated the Act or Commission regulations. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Kimberly D. Hart, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Shonkwiler", followed by a long horizontal line.

Mark D. Shonkwiler  
Assistant General Counsel

Enclosures  
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **MURs 6862 & 6874**

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5 **RESPONDENTS:**

6 Friends of Mary Landrieu and  
7 Nancy Marsiglia in her official  
8 capacity as treasurer  
9 Senator Mary Landrieu

10 These matters arose from two complaints filed by the same complainant alleging that  
11 former Senator Mary Landrieu, a candidate in 2014, and her principal campaign committee,  
12 Friends of Mary Landrieu and Nancy Marsiglia in her official capacity as treasurer ("the  
13 Committee") (collectively, "Respondents"), violated the Federal Election Campaign Act of 1971,  
14 as amended ("the Act") and Commission regulations by using official federal government funds  
15 to pay for private charter flights Landrieu took to campaign-related events between 2002 and  
16 2014.<sup>1</sup> The Commission merged the matters and found no reason to believe that Respondents  
17 violated the Act.

18 The first of the two complaints that the Commission received in this matter, dated August  
19 14, 2014, alleged that the Committee violated the Act by using \$3,224.08 in official government  
20 funds to pay for a November 8, 2013 private charter flight — which Landrieu allegedly took  
21 solely to attend a campaign fundraising event — and failing to report those costs in its disclosure  
22 reports.<sup>2</sup>

<sup>1</sup> The Complaint in MUR 6874 concerned charter flights that Landrieu took between February 21, 2002, and March 19, 2014, but the only flights within the five-year statute of limitations would have been those occurring between August 2010 and March 19, 2014. *See* 28 U.S.C. § 2462.

<sup>2</sup> *See generally* Compl. in MUR 6862 & Attachments.

1 On September 12, 2014, the Committee sent a letter to the Senate Ethics Committee  
2 informing the Senate of the results of the Committee's analysis of the records of each trip for  
3 which Landrieu had used official funds to pay for campaign-related private charter flights dating  
4 back to 2002. The letter stated that the Committee had used a total of \$33,727.02 in official  
5 government funds to pay for 43 private charter flights for Landrieu's campaign-related travel  
6 between 2002 and 2014.<sup>3</sup>

7 Subsequently, on September 17, 2014, the Commission received the second complaint in  
8 this matter, which focused on the flights identified in the Committee's letter to the Senate Ethics  
9 Committee. This second complaint alleged that the Committee violated the Act by using  
10 \$33,727.02 in official government funds to pay for Landrieu's campaign-related charter flights,  
11 rather than using Committee funds to pay for those costs, and by failing to report its expenditure  
12 of official government funds for that purpose.<sup>4</sup>

13 In their responses, Landrieu and the Committee assert that the complaints do not allege a  
14 violation because the Act requires reportable expenditures to be "made by any person" but  
15 excludes "the Federal Government or any authority of the Federal Government" from its  
16 definition of "person."<sup>5</sup>

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<sup>3</sup> See Compl. in MUR 6874, Attach. 1 (unnumbered).

<sup>4</sup> The Complaint in MUR 6874 also requests that the Commission investigate Landrieu's travel expenses dating back to 1998. *Id.* at 2.

<sup>5</sup> Resp. at 2; Second Resp. at 2; *see also* 52 U.S.C. §§ 30101(9)(a)(i) and 30101(11). Additionally, the Committee's October 2014 Quarterly Report reflects a disbursement to the U.S. Treasury on September 11, 2014, in the amount of \$33,727.02 with the purpose described as a "Donation." Friends of Mary Landrieu, October 2014 Quarterly Report at 1186 (Oct. 18, 2014). Although arguably an imprecise description, the repayment appears to be a "disbursement" of the costs of Landrieu's air travel between 2002 and 2014 to the U.S. Treasury.

1           The Commission has recognized that the use of official federal government funds for  
2 campaign-related travel is not a violation under the Act.<sup>6</sup> In other words, no provision of the Act  
3 or Commission regulations governs the use or misuse of official government funds for  
4 campaign-related travel, which instead is governed by a federal appropriations law and subject to  
5 Congressional oversight.<sup>7</sup> Accordingly, the Commission found no reason to believe that  
6 Respondents violated the Act by using government funds to pay for campaign-related private  
7 charter flights.

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<sup>6</sup> See, e.g., MUR 6553 (Lugar), Factual and Legal Analysis at 5 n.6 (explaining that “this interpretation is based on the exclusion of the federal government from the definition of a ‘person’ in [52 U.S.C. § 30101(11)]” (citing Interpretation of Allocation of Candidate Travel Expenses, 67 Fed. Reg. 5,445 (Feb. 6, 2002), which clarified that the travel allocation and reporting requirements of section 106.3(b) do not apply to the extent that a candidate pays for certain travel expenses using funds authorized and appropriated by the federal government)).

<sup>7</sup> See 31 U.S.C. § 1301(a).

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