

March 7, 2008

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

2008 MAR -7 A 11: 21

RE: Seeking Advisory Opinion on 113.1 (g)(1)(i)(I)

To Whom It May Concern:

AOR 2008-02

The Federal Election Campaign Act states, "A candidate may receive a salary from his or her campaign committee under the following conditions, among others;

- The salary must not exceed the lesser of the minimum annual salary for the federal office sought or what the candidate received as earned income in the previous year
- Individuals who elect to receive a salary from their campaign committee must provide income tax records and additional proof of earnings from relevant years upon request from the commission
- Campaign salaries are not used to enrich candidates, but instead used to compensate candidates for lost income that is forgone due to becoming a candidate

The explanation and justification put out by the commission states arguments by three "commenters", which were agreed with by the commission that;

- "...a candidate who is dependent on an income is put at a severe disadvantage compared to an incumbent who is free to campaign at all times without any reduction in compensation or to an affluent challenger, who can afford to campaign without receiving any compensation."
- "...would-be candidates of modest means might not be able to run for Federal office without salaries..."
- "...the proposal would exacerbate what the commenter characterized as "enhanced advantages conferred upon the wealthy, including incumbent federal office holders," by BCRA. The commenter concluded that, unlike officeholders, persons of average means need a salary in order to pay expenses while running for office."

At no point in the act, or the explanation and justification does it address whether I as a candidate who is a "homemaker", with no earned income, is entitled to a salary paid for by my primary campaign committee, it lists only candidates who leave their jobs and give up their salaries. A "homemaker" does experience a loss of income in the sense that there becomes added expenses not previously present including but not necessarily limited to, outside childcare, and travel expenses to and from that childcare. A homemaker is also dependent on an income although it is not their own, and this increases the disadvantage stated by the "commenters".

I therefore seek an Advisory Opinion as to whether the equality and protections for candidates, argued for by the "commenters", and agreed with by the commission in the explanation and justification, extend to "homemakers". If the Advisory Opinion is that receipt of a salary extends to "homemakers", it is further inquired if "the minimum annual salary for the federal office sought" becomes the amount used for determining the candidate salary.

Sincerely,

Todd Goldup
Candidate for United States Representative