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**REPORTS ANALYSIS DIVISION
REVIEW AND REFERRAL
PROCEDURES**
for the
2011-2012 ELECTION CYCLE



***UNAUTHORIZED COMMITTEES,
TITLE 2 AUTHORIZED COMMITTEES
AND
TITLE 26 AUTHORIZED COMMITTEES***

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INTRODUCTION

The Review and Referral Policy of the Reports Analysis Division establishes the policies governing the selection and priority review of reports, the referral of committees to the Audit Division pursuant to 2 U.S.C. §438(b), the referral of committees to the Office of General Counsel (OGC) for non-compliance with the Federal Election Campaign Act and Commission regulations in accordance with the authority granted to the Commission under 2 U.S.C. §437g, the referral of committees to the Alternative Dispute Resolution Office (ADRO) and further details those standards that establish review and referral thresholds for non-compliance with the Act and regulations.

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PART I

SCOPE OF REVIEW AND REVIEW PRIORITIES

A. Scope of Review

It is the goal of RAD to process the reports and statements of all committees filing with the FEC and the Secretary of the Senate. Normally, each review is an in-depth and comprehensive analysis of each report filed by a committee. Review is performed on committees from the time they register until they terminate their reporting obligations with the Commission or are administratively terminated by the Commission (except for committees with receipts or disbursements plus debts incurred during the current election cycle of [REDACTED]). Review is conducted on reports or statements to determine whether:

1. Registration forms contain all required information and are signed by the treasurer or assistant treasurer;
2. A report was timely filed, properly submitted and signed by the treasurer or assistant treasurer¹;
3. All the mathematical calculations provided by the committee are correct and include the calculations on the Summary and Detailed Summary Pages and the attached schedules;
4. The cash-on-hand at the beginning and the close of the reporting period is accurately reflected on the report;
5. All appropriate schedules have been filed with the report;
6. The supporting schedules provide:
 - a. proper disclosure of all receipts and contributions,
 - b. proper disclosure of all loans and loan repayments,
 - c. proper disclosure of all contributions and transfers to and from political committees,

¹ Quarterly reports filed voluntarily by Unauthorized Committees in a non-election year will be reviewed as one report covering the appropriate reporting period (i.e., first and second quarter reports are combined to equal a Mid-Year Report).

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- d. proper disclosure of disbursements, and
- e. proper disclosure of all debts owed to or by the committee.
- 7. The contribution limits and prohibitions may have been violated; and
- 8. An unregistered organization has a registration and reporting requirement.

In addition, the scope of review for the Unauthorized Branch will include a determination as to whether or not:

- a. A State, district or local party committee has properly disclosed Federal Election Activity;
- b. A committee has properly disclosed allocable federal and non-federal activity;
- c. Partisan internal communications are properly disclosed and permissible; and
- d. Convention, Host and Inaugural committee reports reveal mathematical discrepancies.
- e. Independent Expenditure only committees have properly disclosed all activity.

Termination Review

Committees that file a termination report will be subject to a termination review as noted under Standard 29.

Modified Review

Committees not undergoing a comprehensive review will be subject to a modified review as noted below, with the exception of terminating committees, which will be subject to a termination review under Standard 29. A modified review will consist of the following:

For Unauthorized Committees

Standard 1 – Unregistered Committees

Standard 2 – Statement of Organization (FORM 1)

Standard 5 – Excessive, Prohibited and Other Impermissible Contributions/Transfers

Standard 6 – Mathematical Discrepancies (cash-on-hand discrepancies only)

Standard 7 – Failure to Provide Supporting Schedules

Standard 12 – Federal Election Activity/Levin Funds

Standard 13 – Allocated Federal and Non-federal Activity

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Standard 14 – Independent Expenditure Reporting Problems

Standard 15 – Coordinated Expenditure Reporting Problems

Standard 23 - Bundling Reporting Problems (Form 3L)

For Authorized Committees

Standard 5 – Excessive, Prohibited, and other Impermissible Contributions/ Transfers

Standard 6 – Mathematical Discrepancies (only for cash-on-hand discrepancies and for failure to file a Post-Election Detailed Summary Page)

Standard 7 – Failure to Provide Supporting Schedules

Standard 8 – Failure to Properly Itemize Contributions from Individuals

Standard 16 – Failure to Properly Itemize Loans (for new, renegotiated and all overdue loans)

Standard 19 – Debt Settlement Plans (only if debts are being settled/ extinguished without a debt settlement plan).

Standard 23 – Bundling Reporting Problems (Form 3L)

Standard 26 – Personal Use of Campaign Funds

B. Review Priorities

1. Unauthorized Committees

There are three review priority categories for Unauthorized Committees (i.e., political party committees, separate segregated funds, and non-connected committees) and Communication Cost filers for a current election cycle. Review Category One will be given primary staff resources before staff resources are dedicated to Review Category Two or Three. Future adjustments to the priorities below may be necessary.

Upon completion of the Category One and Two review, review on reports filed in the subsequent cycle will commence.

Category One

- 1) Review will be conducted of reports filed by political party committees with receipts or disbursements plus debts incurred during the current election cycle of [REDACTED] or

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more and of all reports filed by non-party committees with receipts or disbursements plus debts incurred during the current election cycle of [REDACTED] or more.

- 2) Review will be conducted on all termination reports within three weeks of entry into the FEC database.
- 3) Review will be conducted of all reports submitted by Communication Cost filers (FEC Form 7).
- 4) Review will be conducted of all reports submitted by Draft and Delegate Committees.

Category Two

Review will be conducted of all reports filed by political party committees with receipts or disbursements plus debts incurred during the current election cycle of [REDACTED] through [REDACTED] and of all reports filed by non-party committees with receipts or disbursements plus debts incurred during the current election cycle of [REDACTED] through [REDACTED].

Category Three

The modified review will be conducted as time permits on all reports filed by Unauthorized Committees with receipts or disbursements plus debts (incurred during the current election cycle) of more than [REDACTED] through [REDACTED] for party committees and more than [REDACTED] through [REDACTED] for non-party committees. The modified review will also be conducted on amended reports filed during the current election cycle for activity occurring in a previous cycle.

Category Four

All Unauthorized Committees with receipts of [REDACTED] or less during the election cycle that also have receipts or disbursements plus debts (incurred during the current election cycle) of [REDACTED] or less during the election cycle normally [REDACTED]

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2. Authorized Committees

There are two review priority categories for committees reviewed by the Authorized Branch. Review Category One will include reports filed by authorized committees having a more significant impact on the electoral process and will receive a full comprehensive review. Review Category Two includes reports filed of less significance and will be given a modified review. There are two reasons for establishing priorities in this manner. First, 2 U.S.C. §438(b) sets a six month deadline from the date of an election for commencing audits of such committees. Second, many authorized committees disband soon after the election. Review Category One will be given primary staff resources before staff resources are dedicated to Review Category Two. Future adjustments to the priorities below may be necessary.

Review Category One: House and Senate committees that have receipts plus debts or disbursements plus debts (incurred during the current election cycle) in excess of [REDACTED] will receive a comprehensive review (applicable Standards 1 – 30). Presidential Title 2 and Title 26 committees that have receipts plus debts or disbursements plus debts (incurred during the current election cycle) in excess of [REDACTED] will receive a comprehensive review (applicable Standards 1- 30).

- a. Terminating committees are reviewed using the guidelines set forth in Standard 29 and will be reviewed within 2 weeks of entry into the FEC database. (T)
- b. Committees that have [REDACTED] by less than [REDACTED] will receive full review through the [REDACTED] Report. (L)
- c. Senate and House committees competing in the primary election will receive full review up to the [REDACTED] Report. (P)
- d. Senate and House committees competing in the general election. (G)
- e. All electioneering communications committees regardless of total activity. (P)
- f. Form 5 independent expenditure filings regardless of total activity. (P)
- g. Title 2 presidential committees that have receipts plus debts or disbursements plus debts (incurred during the current election cycle) in excess of [REDACTED] (excluding funds contributed by the candidate) receive a full review until they terminate with the Commission. (A)
- h. All Title 26 Presidential committees: Presidential committees may elect to receive public funding for their campaigns under Chapters 95 and 96, Title 26 of the U.S. Code. Those

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candidates electing to do so must satisfy certain requirements before the Commission determines the committee's eligibility to participate in the program. Authorized committees of those candidates who have been determined eligible by the Commission to receive public funding under Chapters 95 and 96 of Title 26 will be reviewed according to the Commission's current Procedures for Title 2 Authorized Committees. These committees will receive a full review until the committee terminates its filing requirement with the Commission. (A/B/C)

Review Category Two: House and Senate committees have receipts plus debts or disbursements plus debts (incurred during the current election cycle) in excess of [REDACTED] and can be given a modified review if time does not permit for a comprehensive review. Presidential Title 2 and Title 26 committees that have receipts plus debts or disbursements plus debts (incurred during the current election cycle) in excess of [REDACTED] can be given a modified review if time does not permit for a comprehensive review.

- a. House and Senate Committees that have participated in the current election cycle and have crossed the [REDACTED] review threshold, but are not a part of Category One. (For example, primary and general election [REDACTED] [REDACTED] In this group of committees, priority will be given to "high dollar" campaigns (in excess of [REDACTED] in receipts or disbursements for House committees, in excess of [REDACTED] in receipts or disbursements for Senate committees). (N)
- b. Title 2 Presidential Committees that have crossed the [REDACTED] activity threshold but received contributions less than or equal to [REDACTED] during the election cycle, excluding any funds contributed by the candidate. (B/C)
- c. Debt Settlement Plans: initial review will be conducted within 2 weeks of receipt, as time permits.
- d. Committees of candidates who are not competing in the current cycle but have participated in prior election cycles whose receipts plus debts or disbursements plus debts incurred for the current election cycle exceed [REDACTED]. (N)

[REDACTED] will be conducted on reports filed by House and Senate committees that have receipts plus debts or disbursements plus debts (incurred during the current election cycle) of [REDACTED] or less.

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- a. New committees that have receipts plus debts or disbursements plus debts incurred for the current election cycle of [REDACTED] or less. (4)
- b. Committees from prior cycles that have receipts plus debts or disbursements plus debts incurred for the current election cycle of [REDACTED] or less. (N)

[REDACTED] will be conducted on reports filed by Presidential Title 2 and Title 26 committees that have receipts plus debts or disbursements plus debts (incurred during the election cycle) of [REDACTED] or less.

Priority Codes will be assigned to each committee and will change as the committee progresses through the election cycle. The Authorized Branch will use the committee's level of activity (receipts plus debts or disbursements plus debts incurred for the current cycle) as well as election results to assign priority codes and determine a committee's audit eligibility.

House and Senate Committees

Before the Primary:

- 4 New committees with \leq [REDACTED] receive [REDACTED].
- P Committees competing in the [REDACTED] and have crossed the [REDACTED] threshold receive a full review up to the [REDACTED].

After the Primary:

- G Committees competing in the [REDACTED] and have crossed the [REDACTED] review threshold receive a full review through the [REDACTED]. Committees that win the primary and move on to the general election get re-assigned to "G."
- L Committees that [REDACTED] [REDACTED] [REDACTED] receive a full review through the [REDACTED]. If any of these committees have received [REDACTED] or more audit points after the review of the [REDACTED], then they will be referred for possible audit. After writing the primary audit referrals, the priority code for this committee will change to "N" and they will receive a modified review for the rest of the cycle.
- N Committees that [REDACTED] [REDACTED] [REDACTED] receive a full

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review through the [REDACTED] and then will change to a modified review for the rest of the cycle. Committees that cross the [REDACTED] threshold on the Pre-Primary report and [REDACTED] will be given a modified review.

After the General:

- G Committees that [REDACTED] will be checked for audit eligibility. Candidates who have accrued [REDACTED] or more points for this cycle will be referred for possible audit. After audit referrals are written, the priority code for these committees will change to "P" and they will continue to receive a full review.
- L Committees that [REDACTED] [REDACTED] will be checked for audit eligibility. Committees that receive [REDACTED] or more audit points will be referred for possible audit. After the general election audits are written, these committees will be re-assigned to "N" and will receive modified review if the committee has over [REDACTED] in activity for the new cycle or will receive [REDACTED] if the committee has [REDACTED] or less in activity.
- N Committees that [REDACTED] [REDACTED] [REDACTED] will be re-assigned to "N" and will receive modified review if the committee has over [REDACTED] in activity for the new cycle or will receive [REDACTED] if the committee has [REDACTED] or less in activity.

Title 2 and Title 26 Presidential Priority Coding:

- A Presidential committees with activity > [REDACTED]
- B Presidential committees with activity > [REDACTED] and ≤ [REDACTED]
- C Presidential committees with activity > [REDACTED] and ≤ [REDACTED]

All Title 26 committees will receive a full review until the committee terminates. Title 2 presidential committees will receive a full review until the committee terminates if the committee is priority code A, and a modified review if the committee is priority code B or C.

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Other Common Authorized Priority Codes

- T Terminating Committees receive Standard 29 review.
- P All Form 9's (Electioneering Communications) will receive a full review.
- P All Form 5's (Independent Expenditures) will receive a full review.

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PART II

GUIDELINES AND TIMETABLES FOR AUDITS

A. General Implementation

Audits will be based upon a determination by the Commission that the committees to be audited are not in substantial compliance with the Act. 20 Standards for Unauthorized Committees and 14 Standards for Authorized Committees serve as a basis for assessing audit points. Generally, no assessment is made if a committee adequately and timely responds to a Request for Additional Information (RAFI).

If a committee does not respond or responds inadequately to an RAFI, an audit point will be assessed after the response period has expired. Responses received more than 35 days after the date of the Notice will not cause the removal of an audit point regardless of the content of the response. Any response that indicates that a [REDACTED] error was made or that [REDACTED] occurred will not result in [REDACTED]. An amendment that creates additional problems may be assessed points separate from those assessed on the original report.

Authorized Committees will be [REDACTED] beginning with activity which occurs from January 1 of the year preceding the general election year and ending with the [REDACTED] Report. Authorized Committees of candidates who [REDACTED] in the primary election [REDACTED] on reports filed after the [REDACTED] Report. Unauthorized Committees will be [REDACTED] beginning with activity which occurs from January 1 of the year preceding the general election year and ending with the Year End Report filed for the general election year. Committees will [REDACTED] only on reports which are filed for the current two year election cycle.

Committees whose reports include debt retirement and other activity relating to a previous election cycle [REDACTED] for any errors or violations associated with such activity. [REDACTED] for reports filed late if the activity on the report relates only to a previous election cycle.

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B. Guidelines for Audit Referrals

1. Audit Selection Universe

a. Unauthorized Committees

1) Party Committees

Only party committees with receipts or disbursements plus debts incurred during the election cycle of [REDACTED] or more and that have accrued [REDACTED] or more points during the election cycle may be referred for an audit.

2) Non-Party Committees (PACs)

Only non-party committees with receipts or disbursements plus debts incurred during the election cycle of [REDACTED] or more and that have accrued [REDACTED] or more points during the election cycle may be referred for audit.

b. Authorized Committees

1) House and Senate Committees

Authorized committees of House and Senate candidates will be referred if the committees meet the following criteria:

- a) a committee represents a candidate participating in an election in the current election cycle;
- b) a committee has received or disbursed in excess of [REDACTED] for the election cycle. This threshold amount may be reached even if all reports have not been received;
- c) a committee represents a candidate who:
 1. [REDACTED];
 2. [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

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3. accrues [REDACTED] or more audit points.

2) Title 2 Presidential Committees

Presidential committees not subject to Title 26 will be referred for audit based on the committee receiving at least [REDACTED] audit points and having raised in excess of [REDACTED]. This guideline would apply to any presidential candidate who has a Title 2 committee for the primary election and a Title 26 committee for the general election or vice versa. See the Procedures for Audit Referrals for Title 2 Presidential Committees for further information.

3) Title 26 Presidential Committees

RAD does not assign audit points or refer to audit any committees supporting candidates for the Office of President that receive matching funds or a general election grant since the Commission is required to audit them by statute.

2. Procedures for Audit Referrals

All political party committees being referred to the Audit Division must have accrued [REDACTED] or more points. Non-Party committees must have accrued [REDACTED] or more points. The criteria for audit selection is designed to maximize the effectiveness of the audit program within the filing community by ensuring all types of committees are subject to the audit process.

a. Unauthorized Committees

RAD will refer unauthorized committees to the Audit Division in two groups. The first group will be early audit referrals which will cover activity from January 1 of the non-election year through June 30 of the election year. RAD will obtain from the Audit Division an estimate of how many 438(b) audits it can conduct and will prepare audit referrals for this number of committees which will be selected based on the highest number of points.

The second group of audit referrals will cover activity from January 1 of the non-

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election year through December 31 of the election year. RAD will generate a list of all [REDACTED] committees that have accrued [REDACTED] or more audit points during the current election cycle and a list of all [REDACTED] committees that have accrued [REDACTED] or more audit points during the current election cycle.

The [REDACTED] committee list shall be organized in descending point order. The [REDACTED] committee list shall be organized by the following committee type categories: Nonconnected,² Labor, Trade Association, Membership Organization, Corporate, Cooperative and Corporate without Capital Stock. Furthermore, these committees will be listed in descending point order within each committee type category.

RAD will obtain from the Audit Division an estimate of how many 438(b) audits they can conduct. RAD will prepare audit referrals for the estimated number of committees. Audit referrals will be prepared for an equal number of [REDACTED] [REDACTED] committees, if possible.

Of the estimated number, half of committees referred for an audit will be [REDACTED] committees and selection will be based on the highest number of points. The remaining half will be [REDACTED] committees and selection will be based on the highest number of points in each committee type category (as noted above). For [REDACTED] committees, if half of the estimated number has not been reached once the committees with the highest number of points per committee type category have been selected, the remaining number of [REDACTED] committees will be selected based on the highest number of points (irrespective of committee type category) In the event that there are less than an equal number of [REDACTED] committees, the difference will be made up for with the other type of committee [REDACTED] and selected based on the highest number of points.

[REDACTED]

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b. Authorized Committees

1) House and Senate Committees

Authorized committees of candidates who [REDACTED] in the primary or runoff election (or caucus or nominating conventions – if these elections have the authority to select nominees for the general election) that are reviewed under Review Category 1 ([REDACTED] [REDACTED] [REDACTED]), will be referred for audit after accumulating [REDACTED] or more audit points no later than four months and two weeks after the corresponding election.

All Authorized committees of candidates in the general election who [REDACTED], and any authorized committees of candidates in the general election who [REDACTED] [REDACTED] [REDACTED] [REDACTED] and which accumulate [REDACTED] or more audit points will be referred for audit (see page 16).

Committees participating in a primary and general election during the election cycle must have [REDACTED] points to be eligible for audit. For each additional race a committee participates in, the audit eligibility point threshold will be raised by [REDACTED]. For example, if a candidate's committee participates in a primary, general and general runoff, the committee would need to accumulate at least [REDACTED] points to be eligible for an audit.

By March, following the General election, RAD will generate a list of all audit eligible committees, grouped in descending order by point total. RAD will obtain from the Audit Division an estimate of how many audits they can conduct. RAD will then prepare audit referrals for the estimated number of audits.

2) Title 2 Presidential Committees

Title 2 Presidential committees being reviewed under Review Category 1 will be referred for audit based on the standards and time frames used for House and Senate primary election losers. To be referred for audit the committee must have accrued [REDACTED] or more audit points and have raised in excess of [REDACTED]. For internal purposes only, [REDACTED] [REDACTED] on the date that one of the

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following circumstances occur:

- the date an independent candidate withdraws from the race when it is prior to the general election;
- the date a candidate withdraws from the race when it is prior to a convention;
- the date a candidate loses at a convention;
- the date a candidate withdraws from the race after winning the nomination at a convention but withdraws prior to the general election; or
- the date a candidate participates in the general election

Presidential primary candidates who withdraw from the race whose committees are eligible for referral to the Commission for audit will be referred. If the candidate re-enters the race, the audit referral will be placed in abeyance. When the candidate again withdraws or goes into the convention the committee will again be eligible to be referred to the Commission for possible audit. The [REDACTED] by the committee during the entire election cycle will be [REDACTED]

3. Timetable for Referral to Audit

a. Unauthorized Committees

Referrals of priority review Unauthorized Committees from the Reports Analysis Division to the Audit Division will be made in two groups. The first group will be referred to the Audit Division by [REDACTED] of the year of the general election. The second group will be referred to the Audit Division by [REDACTED] of the year following the general election.

b. Authorized Committees

1) House and Senate Committees

Referrals of House and Senate Committees from RAD to the Audit Division will occur according to the following timetable:

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a) After [REDACTED] the primary or primary runoff election, the candidate's committee will be referred no later than four months and two weeks after the date of the primary election.

b) After winning or losing the general election, the candidate's committee will be referred no later than four months and two weeks after the date of the general election.

c) Candidate committees participating in special elections will be referred to the Audit Division based upon the above timetables for either the special primary election or the special general election.

2) Title 2 Presidential Committees

A Title 2 Presidential committee that is eligible for an audit will be referred to the Audit Division no later than four months and two weeks from the date of the convention, general election or the date the candidate dropped out of the race.

4. OGC/ADRO Referrals

a) If a committee exceeds any of the thresholds for referral to either the Office of General Counsel (OGC) or Alternative Dispute Resolution Office (ADRO) and the committee also receives the requisite number of audit points, the audit referral process will proceed first.

b) If a committee meets the criteria for an audit referral and an [REDACTED]
[REDACTED]
[REDACTED]
referable issues. In the event that a committee does not have any outstanding ADRO or OGC referable issues, a referral will be made to ADRO. If the prior cycle audit of the committee has not yet commenced, the committee will be audited for the current audit period instead.

c) Audit eligible committees that are not referred to the Audit Division (due to a lack of resources) may be referred to ADRO (absent any OGC referable issues). Upon

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the establishment of the audit referral committee pool, RAD will obtain from the ADRO an estimate of how many cases they can take. RAD will prepare modified ADRO referrals for the estimated number of committees based on the highest number of points. In addition, should additional resources become available to the ADRO; RAD will prepare additional referrals at the request of the ADRO.

- d) If a committee is approved for audit, after the audit fieldwork is completed any matters found during the audit which meet the audit materiality thresholds for referral to either OGC or ADRO will be referred.
- e) If a committee exceeds any of the standards for referral to OGC or ADRO, and no audit referral is approved or contemplated, the matter will be referred directly to OGC or ADRO. [REDACTED] even if the matter is referred to OGC or ADRO. [REDACTED]

5. Administrative Fines

When Authorized Committees are referred for audit, and subsequently findings are made by the Audit Division that verify the committee failed to file 48-Hour Notices of Contributions of [REDACTED] or more, the committee, will be referred back to RAD for Administrative Fines RTB processing (this includes GELAC committees) provided the violation meets the thresholds for referral detailed in Standard 7 and no other issues are referable to OGC or ADRO. If there are other referable issues, all referable matters will be forwarded to the same office for handling in one case.

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PART III

**GOALS AND GUIDELINES FOR REFERRALS TO THE OFFICE OF GENERAL
COUNSEL (OGC)**

Part III delineates the goals and guidelines for referrals from RAD to OGC. The general objectives of the comprehensive referral policy are to:

- Establish a uniform policy for the referral of all matters to OGC;
- Identify the most serious matters to ensure effective utilization of the Commission's limited resources;
- Limit any unnecessary duplicate consideration of matters by the Audit Division, ADRO or OGC; and
- For matters pertaining to Title 26 Presidential Committees, identify issues, which may cause suspension of matching funds payments.

Guidelines:

A committee will be referred to OGC for significant violations of the FECA as contained in Part V of this document unless it can demonstrate that no violation occurred.

In addition:

- 1) Legal questions raised during the review process, which have not been previously resolved by the Commission, will be discussed with OGC for consideration of the best action to take. Based upon discussion with OGC, the matter could be referred to OGC as a Request for Guidance.
- 2) RAD will collaborate with OGC to determine whether novel, complex or significant legal questions warrant Commission consideration in accordance with Directive 69.

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- 3) In accordance with the Pilot Program for Requesting Consideration of Legal Questions by the Commission, RAD will notify persons or entities of the procedure for seeking Commission consideration when there is disagreement with RAD's request for corrective action and the disagreement is based upon a material dispute on a question of law. The pilot program will be scheduled for a vote on whether to extend or make permanent the program in July 2011.
- 4) Any response that indicates that a [REDACTED] error was made, rather than a true reporting error or violation, [REDACTED] in a referral to OGC.
- 5) The analyst will attempt to telephone every committee at least once before referral to OGC to remind the committee that a response is due and clarify any misunderstandings if the committee does not appear to understand the RFAI. In cases where a committee has admitted to the error in a response to an RFAI and a phone call will not provide any additional information, the call will not be made. Additional calls to the committee may be authorized by the Branch Chief or Assistant Staff Director for RAD. The analyst may request an extension of a referral to OGC based upon additional information received. The Branch Chief may extend the referral due date for one week. Any extension of more than one week must be approved by the Assistant Staff Director for RAD.
- 6) RAD, OGC, Audit and ADRO staff will meet once monthly to discuss potential referrals. These discussions are intended to give OGC and ADRO an idea of pending matters that may lead to a referral. These discussions will also be used to ascertain OGC and ADRO's workload and its ability to handle the upcoming referrals from RAD. During these meetings, RAD will discuss committees with pending referrals that may have other referrals due within 90 days, in order to determine if all issues should be addressed in one referral. RAD will work with OGC and ADRO to expedite a referral based on OGC and ADRO's workload or other unique situation(s).

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PART IV

**GOALS AND GUIDELINES FOR REFERRALS TO THE ALTERNATIVE DISPUTE
RESOLUTION OFFICE (ADRO)**

Part IV delineates the goals and guidelines for referrals from RAD to the Alternative Dispute Resolution Office (ADRO). The general objectives of the comprehensive referral policy are to:

- Establish a uniform policy for the referral of matters to ADRO;
- Identify the most serious matters to ensure effective utilization of the Commission's limited resources; and
- Limit any unnecessary duplicate consideration of matters with either the Audit Division or OGC.
- Educate political committees on the disclosure and compliance requirements of the Act.

Guidelines

Committees will be referred to ADRO based on the applicable standards stated herein for ongoing matters.

In addition:

The procedures for circulation of ADRO referrals will vary based on one of three scenarios:

- 1) When an ADRO referral threshold for a particular standard of review is less than the OGC referral threshold, or there is not an OGC referral threshold for a particular standard of review, these referrals will be circulated directly to the ADR Office.
- 2) When the ADRO and OGC referral thresholds are the same, the matter will be subject to the OGC Review and Concurrence Process. In this process, OGC will be afforded a 14 calendar day review of the proposed referral to make a determination as to whether the matter(s) in question is better suited for standard processing in OGC. This review period can be extended up to 30 days upon request.

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[REDACTED]

If a committee has an outstanding MUR, all ADRO referrals will be subject to the OGC Review and Concurrence Process so that OGC can make a determination as to whether the outstanding MUR and the referral are related.

The analyst will attempt to contact every committee at least once by phone before referral to ADRO to remind the committee that a response is due and clarify any misunderstandings regarding the RFAI. In cases where a committee has admitted to the error in a response to an RFAI and a phone call will not provide any additional information, the call will not be made. Additional calls to the committee may be authorized by the Branch Chief or Assistant Staff Director for RAD. The analyst may request an extension of a referral to ADRO based on the telephone call or meeting with a committee representative. The Branch Chief may extend the referral due date for one week. The Assistant Staff Director for RAD must approve any extension of more than one week.

RAD, OGC, Audit and ADRO will meet once monthly to discuss potential referrals. These discussions are intended to give OGC and ADRO an idea of any forthcoming referrals. These discussions will also be used to ascertain OGC and ADRO's workload and its ability to handle the upcoming referrals from RAD. During these meetings, RAD will discuss committees with pending referrals that may have other referrals due within 90 days, in order to determine if all issues should be addressed in one referral. RAD will work with OGC and ADRO to expedite a referral based on OGC and ADRO's workload or other unique situation(s).

If the committee successfully completes the requirements of the ADRO negotiated settlement prior to the preparation of an audit referral, any [REDACTED] associated with the matter in question [REDACTED]. Should a committee not complete the requirements as outlined in the ADRO negotiated settlement, [REDACTED].

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Authorized Committees

Title 26 Presidential Committees will not be referred to ADRO by RAD.

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PART V

STANDARDS FOR NOTIFICATION AND SUBSEQUENT ACTION

Part V defines the types of notices that will be sent by the Reports Analysis Division. It provides an item-by-item listing of when to send a notice and the subsequent assessment of an audit point or referral to OGC or ADRO.

A. Types of Notices

1. Requests for Additional Information (RFAI's – RQ-1, RQ-2, RQ-4 and RQ-5)

RAD will conduct a review of reports and statements to determine whether a committee has met fundamental disclosure and compliance requirements of the Act and to require a committee to take appropriate action to obtain omitted information or to clarify discrepancies. If there is a discrepancy or omission which meets the standards set forth in this Part, the staff will send an RFAI that will require a response.

An RFAI will require a written/electronically filed response (whichever is appropriate) within 35 days. Responses received more than 35 days after the date of the Notice will not be considered for the purpose of rescinding audit points.

If an RFAI is sent to an authorized committee other than the Principal Campaign Committee of a candidate, a cover letter and a copy of the notice will be sent to the treasurer of the Principal Campaign Committee.

RAD will circulate to OGC, ADRO and/or the Audit Division, as appropriate, all RFAIs prepared for any committee involved in an audit, ADR or enforcement matter. OGC, ADRO and/or the Audit Division will be given a 72 hour period to review and respond to the RFAI prior to the mailing of the letter.

2. Non-Filer Notice (RQ-7)

Any committee that does not file a required report will be sent a Non-Filer Letter.

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3. Registration Notice (MS-U)

Any organization, which has not registered with the Commission, will be sent a Registration Notice according to Standard 1. The Registration Notice defines a "political committee" under 2 U.S.C. §431(4); provides language concerning Federal and Non-Federal accounts and transfers pursuant to 11 CFR §§102.5 and 102.6(a); and presents alternatives to the organization. The Notice allows the organization to: (a) register and report, if appropriate; (b) obtain a refund from the recipient candidate(s) or political committee(s); or, (c) have the recipient(s) transfer the funds to an account which is not used to influence Federal elections.

The unregistered organization is provided with 35 days to respond to the notice.

4. Miscellaneous Notice (MS-N)

Any committee required to file electronically that files amendments and statements on paper or that does not amend the actual report, will be sent an MS-N letter.

5. Miscellaneous Notice for Paper Report (MS-P)

Any committee required to file electronically that files an original report on paper will be sent an MS-P Letter.

6. Termination Letter (MS-K)

Any committee that meets the criteria for termination set forth in Standard 29 of this policy will be sent an MS-K.

7. Disavowal Letter (MS-H)

When an authorized committee of a candidate receives contributions or makes expenditures in excess of \$5,000, a MS-H will be sent to the candidate if no Form 2 is on file. The notice will request the candidate to submit a Form 2 or disavow the campaign activity.

8. Acknowledgement of Receipt Letter (MS-B)

Any committee that files a Debt Settlement Plan will be sent an MS-B, which will inform the committee that it must continue to report all debts until the committee is notified that the

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Commission has completed its review of the debt settlement plan.

9. RFAI for Debt Settlement Plan (MS-C)

Any committee that files a Debt Settlement Plan which includes debts totaling in excess of [REDACTED] will be sent an MS-C.

10. Administrative Termination Letter (MS-F)

Any committee identified for Administrative Termination action will be sent an MS-F.

11. Informational Paragraph

In an effort to educate committees on reporting issues, an informational paragraph will be sent in cases where an RFAI is being sent on the same report as noted in the review standards herein.

12. Acknowledgement of Request for Filing Frequency Change – Form 3X (MS-O)

Any committee that files a request to change its filing frequency for Form 3X, will be sent an MS-O which will acknowledge the change and outline the committee's future filing requirements.

13. Acknowledgement of Request for Filing Frequency Change – Form 3L (MS-Q)

Any committee that files a request to change its filing frequency for Form 3L, will be sent an MS-Q which will acknowledge the change and outline the committee's future filing requirements.

B. Compliance Categories

The categories subsequently listed delineate the standards for non-compliance. This section also addresses the problems and violations, which will result in notices being sent, assessments of audit points, and matters that will be referred to OGC, ADRO, or Administrative Fines.

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Standard 1: Unregistered Committees

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent/Applying this Standard:

A notice (MS-U) will be sent to an unregistered organization that contributes or transfers in excess of [REDACTED] to a committee, as evidenced on reports filed by a registered committee. Note: if the Standard 5 threshold is not met for the registered filer, a notice should still be sent to the unregistered filer in accordance with this Standard.

Assessment of Audit Points:

[REDACTED] will be assessed if a committee's report discloses in excess of [REDACTED] in receipts or disbursements more than [REDACTED] prior to registration.

Referral to ADRO:

[REDACTED]

Referral to OGC:

A referral to OGC will be made if an unregistered entity does not respond and in excess of [REDACTED] in contributions/transfers have been made to registered political committees in a [REDACTED].

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Standard 2: Statement of Organization (FORM 1)

Notices Sent:

An RFAI (RQ-1) will be sent if a Committee does not file a Statement of Organization or files a Statement of Organization with omitted or inadequate information.

An RFAI (RQ-1) will be sent if a Committee does not file a complete amended Statement of Organization.

For existing paper filers, an RFAI will be sent to a committee if an amended Form 1 indicating a change in treasurer is not signed, is not an original signature or the signature is that of someone other than the new treasurer. (No notification will be sent to Authorized committees if the candidate signs the report).

For existing committees filing electronically, a letter (MS-N) will be sent if the committee files an amended Form 1 on paper. The letter will inform them of their requirement to file the document electronically.

For new committees, an RFAI will be sent to a committee if the original Form 1 is not signed, the signature is not an original or the signature is that of someone other than the treasurer or candidate. Currently new committees that file electronically must file their original Form 1 on paper so a committee identification number can be assigned.

Unauthorized Committees

If a treasurer resigns and no new treasurer has been designated within 10 days of the resignation date, an RFAI will be sent to the Assistant Treasurer. However, the Assistant Treasurer should not be titled as the treasurer on any correspondence sent to the committee.

Authorized Committees

An authorized principal campaign committee that has been designated on a candidate's statement of candidacy, and has failed to file a Statement of Organization within 10 days of receipt of the candidate's statement, will be sent an RFAI. When an authorized committee other than a

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principal campaign committee has been designated and has not filed a Statement of Organization, the authorized committee as well as the principal campaign committee will be notified.

If a candidate for US Vice President is running on the same ticket as a candidate for US President, only one Statement of Organization needs to be filed, provided that both candidates have the same Principal Campaign Committee (PCC).

If a treasurer resigns and no new treasurer has been designated within 10 days of the resignation date, an RFAI will be sent to the candidate, even if there is an assistant treasurer designated.

Applying this Standard

Unauthorized Committees

A Statement of Organization must include the following information:

- Committee's full name and complete address;
- Committee type;
- Connected organization (for SSF's)
- Affiliated committee;
- Type of connected organization (for SSF's);
- Bank depository;
- Treasurer's name;
- Signature of Treasurer or other authorized individual³ (for new committees and paper filers);
- E-mail address;
- For joint fundraising committees authorized by a candidate (box 5(b)), the full name of the candidate, office sought, State and district (if applicable) and party affiliation; and
- For committees that support or oppose only one candidate (independent expenditure committees), the full name of the candidate is required.
- For independent expenditure only committees, an attached cover letter with approved language from AO 2010-09 and AO 2010-11.

³ An "other authorized individual" is only permitted to sign an Amended Statement of Organization. A new Statement of Organization must be signed by the Treasurer.

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In addition, an RFAI will be sent if:

- the name of the connected organization is not in the name of a separate segregated fund;
- the name of a Federal candidate is in a committee's name (with the exception of joint; fundraising committees that have an authorized committee as a participant); and
- clarification and/or additional documentation is needed for affiliations, disaffiliations or connected organizations.

Authorized Committees

A Statement of Organization must include the following information:

- Committee's full name and complete address;
- Committee Type;
- E-mail address (Required);
- Signature of Treasurer or other authorized individual⁴ (for new committees and paper filers);
- Bank depository; and
- Full name of candidate, office sought, party affiliation, state and/or district.

An RFAI will be sent each election cycle to Principal Campaign Committees supporting candidates in the current election cycle for those committees that have not provided an e-mail address.

If the treasurer of a committee resigns and no new treasurer is designated within 10 days, the candidate will appear as the treasurer of record in the FEC database. Also, all future correspondence will be sent to the candidate, absent the existence of an assistant treasurer or any other guidance from the committee. If correspondence is sent to the designated assistant treasurer, he or she should not be addressed as the treasurer.

Joint Fundraising Committees

- Committee's full name and complete address;

⁴ An "other authorized individual" is only permitted to sign an Amended Statement of Organization. A new Statement of Organization must be signed by the Treasurer or Candidate.

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- Committee type;
- Bank depository;
- Treasurer's name;
- Signature of Treasurer or other authorized individual⁵ (for new committees and paper filers);
- Identity of joint fundraising participants; and
- Identity of joint fundraising representative.

A committee listed as a Joint Fundraising Participant on the Statement of Organization of a Joint Fundraising Committee must amend its Form 1 to indicate the joint fundraising relationship.

Assessment of Audit Points:

██████████ will be assessed under this Standard.

Referral to ADRO:

For Unauthorized Committees only, a referral will be made to ADRO if a committee does not respond or responds inadequately to an RFAI for ██████████

Referral to OGC:

⁵ An "other authorized individual" is only permitted to sign an Amended Statement of Organization. A new Statement of Organization must be signed by the Treasurer or, for Authorized Committees, the Candidate.

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Standard 3: Statement of Candidacy

(This Standard does not apply to Unauthorized Committees)

Notices Sent:

A Disavowal Letter (MS-H) will be sent to an individual when a committee discloses receipts or expenditures (including debts) in excess of \$5,000 on the person's behalf. If the individual does not respond to the disavowal letter within 30 calendar days, he or she will be considered a candidate under the Act.

A Disavowal Letter (MS-H) will be sent to the candidate when a Form 2 is filed, no PCC is designated and a Form 1 has been filed for a new committee using the candidate's name.

A Disavowal Letter (MS-H) will be sent to a candidate when their authorized committee receives contributions from a joint fundraising committee that has not been authorized by the candidate.

A Letter (RQ-5) will be sent to a candidate when a Form 2 is filed and any of the required information is omitted or inadequate. When a Form 2 is filed with missing or inaccurate information, an RQ-5 is sent to the candidate. The letter will request the candidate to submit a new Form 2 within 30 days.

Presidential Committees: In cases where a committee files a Statement of Organization, stating that it is an authorized committee supporting a Presidential candidate, and no Statement of Candidacy is on file with the Commission, the individual named will be sent a notification (MS-H) requesting a Statement of Candidacy or a disavowal of the committee.

A Statement of Candidacy is required to be filed by any presidential or vice presidential candidate seeking nomination or election to the Offices of US President or US Vice President. If only a Statement of Candidacy is filed by the presidential candidate and not the vice presidential candidate, a notice (MS-H) will be sent to the vice presidential candidate.

Applying This Standard:

All receipts and expenditures made by all committees authorized by the candidate for the current

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election cycle are counted toward the \$5,000 threshold.

In order to be considered adequately filed, a Statement of Candidacy must disclose the following information:

- Complete name and address of the candidate
- Name and address of the principal campaign committee
- Year of Election
- Office Sought
- State & District (if applicable)
- Signature (for new candidates and paper filers)

A Statement of Candidacy for a new candidate, or a candidate seeking election for a new election cycle, must be filed on paper with an original signature. Subsequent statements filed by the candidate will be accepted either electronically or on paper.

Assessment of Audit Points:

[REDACTED] will be assessed under this Standard.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]
[REDACTED]

Title 26 Candidates: If the individual [REDACTED]
[REDACTED] the matter will be referred to the Office of
General Counsel.

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Standard 4: Failure to File Reports and Late Filing

Notices Sent/Applying this Standard:

a. Original Reports

Any committee that does not file a required Form 3, 3X or 3L report will be sent a non-filer notice. For Form 3L, this determination will be made for semi-annual covered periods only (January 1 through June 30, and July 1 through December 30), and will be based on a prior quarterly or monthly report filed by the committee.

1) Paper Filers

- An RFAI will be sent if a committee submits an illegible report or one filed on the wrong form type.
- An RFAI will be sent if a committee files on superseded FEC forms. [REDACTED] will be sent if a committee has [REDACTED].
- An RFAI will also be sent if a report is not signed, the signature is not an original or, someone other than the treasurer or designated agent signed the report. However, [REDACTED]
[REDACTED]

2) Electronic Filers

A report⁶ will be considered not filed when:

- A committee or entity qualifies as an electronic filer (i.e., receives contributions or makes expenditures in excess of \$50,000 in a calendar year) and files a paper report; or
- A committee or entity already filed a report electronically during the current calendar year and subsequently files a paper report.

The committee or entity will be sent a letter (MS-P) informing them that the report is considered not filed and will instruct them to file the report electronically. The paper report

⁶ This includes Forms 1, 1M, 3, 3P, 3X, 3L, 4, 6 and 7.

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will then be changed to a miscellaneous document (MS-T) in the FEC database.

Electronic filers that file on disk must also provide a separate written certification (i.e., Summary Page) with an original signature. Diskettes submitted without the accompanying written certification are rejected.

For committees or entities using an old or incorrect version/format of software:

- An RFAI will be sent if a committee or entity submits a report electronically on the wrong form type.

Authorized Committees – Transactions involving either the forgiveness of candidate debt/personal fund loans or the restructuring of loans where no actual receipts or disbursements of funds occur will not be included when determining whether a committee has exceeded the \$50,000 electronic filing threshold for contributions or expenditures.

b. Amendments

1) Paper Filers

An RFAI will be sent if a committee or entity files amendments on superseded FEC forms.

Amendments to reports from prior cycles can be filed on superseded FEC forms.

2) Electronic Filers

A letter (MS-N) will be sent when a committee or entity voluntarily files a paper amendment to an electronically filed report informing the committee or entity the amendment is considered not filed (except as noted below).

A letter (MS-N) will be sent when a committee or entity files an electronic miscellaneous text document (Form 99) in lieu of an amended report to reflect changes to the Summary Page, Detailed Summary Page and/or supporting Schedules.

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All amendments filed on paper will not be considered filed (except as noted below).

The exceptions to these procedures are when a committee files paper copies of refund checks, proof of redesignations (i.e., copies of letters) and reattributions, loan agreements, Schedule C-1's with original signatures, statements of forgiveness for candidate personal fund loans (for Authorized committees only), and any other items which may be impractical to file electronically. In addition, there is an exception for paper amendments to reports that were originally filed correctly on paper. These amendments must be filed on paper for processing purposes. An exception will also be made when a committee is attempting to terminate by filing on paper due to extenuating circumstances.

If the paper document is not one of the exceptions noted above, it will be changed to a miscellaneous document (MS-T) in the FEC database.

Assessment of Audit Points:

A committee meeting the criteria below will be assessed [REDACTED] for each report that is either filed late or not filed. This applies only to (1) Unauthorized Committees with total activity (receipts plus disbursements and debts) of [REDACTED] or more during the two-year election cycle and (2) all Authorized Committees of current election cycle candidates. Furthermore, Authorized Committees of candidates who [REDACTED] in the primary election [REDACTED] on reports filed after the [REDACTED] Report or equivalent (e.g., [REDACTED] Report).

In addition to the above, while Unauthorized Committees [REDACTED] under this Standard for any required report during an election cycle, Authorized Committees are only [REDACTED] for the reports required to be filed during the election year.

Late filing for reports means the report has not been filed by the close of business of the [REDACTED] business day after the due date of the report. Saturday will not be considered a business day for the purpose of determining the number of late business days for audit point assignment purposes. (However, Saturday is considered a business day for publishable non-filer letter notifications for election-sensitive reports filed by Principal Campaign Committees of current

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candidates (See Commission Directive 1)).

Committees will be assessed [REDACTED] for failing to respond to an RFAI.

[REDACTED] will be assessed for failing to respond to an RFAI sent for a report that is not signed, the signature is not an original, or someone other than the treasurer or designated agent signed the report. In addition, [REDACTED] be assessed on issues addressed with an MS-N.

Illegible reports and reports seriously deficient in disclosure, as defined below, will be subject to this Standard.

Unauthorized Committees - [REDACTED] be assessed when a quarterly filer does not file a [REDACTED] report, and the next report filed discloses federal contributions or expenditures made in connection with the general election during the [REDACTED] reporting period.

Reports "*seriously deficient in disclosure*" include,

1. A committee that files the Summary and/or Detailed Summary Pages indicating that supporting schedules are required but not provided, regardless of amount, will be treated as a non-filer. Reports which contain at least one of the necessary schedules will be subject to Standard 7, Failure to Provide Supporting Schedules;
2. Reports filed on non-FEC forms (i.e., State forms)
3. Illegible reports - illegibility will be determined by the Branch Chief, in consultation with the Assistant Staff Director of the Reports Analysis Division. This decision will be based primarily on the quality of the report as imaged for the public record.
4. For Unauthorized Committees – A 12 Day Pre-General Report, a 30 Day Post-General Report, a Year End Report during an election year or a Monthly Report that does not cover [REDACTED] will be treated as a non-filed report. In addition, a Quarterly Report that does not cover [REDACTED]

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[REDACTED], and a Semi-annual Report that does not cover [REDACTED]
[REDACTED], will also be treated as a non-filed
report. A non-filer notice (RQ-7) will be sent in these situations regardless of whether
there is a beginning/ending cash-on-hand discrepancy.

5. For Title 2 Authorized/Presidential Committees - A pre-election report, a 30 Day Post-General Report, a Year End Report during an election year or a Title 2 Presidential Monthly Report that does not cover [REDACTED]
[REDACTED] will receive a non-filer notification. In addition, a Quarterly Report that does not cover [REDACTED]
[REDACTED], will also be treated as a non-filed report. If the coverage dates were typed incorrectly, a point will not be assessed.

Referral to ADRO:

If a committee has issues or difficulties in filing reports (i.e., illegibility or software problems), a referral may be made if RAD determines that the committee may benefit from training or other corrective action.

In consultation with the Assistant Staff Director, RAD will identify and monitor committees that report activity in a manner that prevents their inclusion in the Administrative Fine Program or results in paying a reduced fine amount. [REDACTED]

[REDACTED]. RAD would refer the committee to ADRO if such instances concern at least [REDACTED] reports (not necessarily consecutive) in an election cycle and the combined total activity omitted from the original reports is at least [REDACTED]

Referral to OGC:

In consultation with the Assistant Staff Director, RAD will identify and monitor committees that report activity in a manner that prevents their inclusion in the Administrative Fine Program or results in paying a reduced fine amount. [REDACTED]

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Standard 5: Excessive, Prohibited and Other Impermissible Contributions or Transfers

Notices Sent:

Unauthorized Committees

Part I

- 1) An RFAI will be sent to a committee if the apparent violations in question total in excess of [REDACTED] and [REDACTED] of the applicable line item total.⁷
- 2) An RFAI will be sent to a committee if the apparent violations in question total in excess of [REDACTED].
- 3) An RFAI which notes that corrective action has been taken will be sent to a committee when the total prohibited, excessive and/or impermissible contributions and transfers per report meet one of the RFAI thresholds above and have been: (1) refunded, reattributed, redesignated or transferred-out more than [REDACTED] days after receipt/disbursement for excessive and/or impermissible contributions, or (2) refunded or transferred-out more than [REDACTED] days after either the date of receipt or the date when the illegality was discovered (if that date can be determined), for prohibited contributions, which includes contributions from unregistered sources.

Part II

Separate notification standards will apply to the following:

Contributions/transfers received from unregistered organizations and/or non-federal accounts of other committees⁸

The notification standards for Part II are as follows:

- 1) An RFAI will be sent in instances where a committee receives contributions in excess of

⁷ For contributions received from individuals, Line 11(a)(iii) will be used.

⁸ This would not apply to Independent Expenditure only PACs, however, unregistered entities that contribute to IE PACs should still be assessed under Standard 1 (Unregistered Committees).

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████████████████████. (An RFAI will not be sent in cases where the threshold for audit point assessment has not been met under this Standard; however, the threshold for a notice under Standard 1 would still apply).

2) An RFAI will also be sent if the total received from such entities is in excess of ██████████ ██████████ of the total contributions received from all sources during the reporting period as disclosed on Line 11(d).

3) Receipts from unregistered sources that do not meet the RFAI threshold will be brought to the committee's attention when an RFAI is already being sent for unregistered receipts. These receipts, however, should not be included in the calculations for determining point assessment below.

Authorized Committees

An RFAI will be sent if the apparent violations in question are in excess of ██████████ for Title 2 House and Senate Committees and Title 26 Presidential Committees/ ██████████ for Presidential Title 2 and ██████████ of total contributions (as reported on Line 11(e), Column A, of the Detailed Summary Page of Form 3; or on Line 17(e), Column A, of the Detailed Summary Page of Form 3P).

An RFAI will be sent if the apparent violations in question are in excess of ██████████ for either Title 2 House and Senate or Title 26 committees, regardless of the ██████████ threshold.

An RFAI will be sent if the apparent violations in question are in excess of ██████████ for Title 2 Presidential Committees, regardless of the ██████████ threshold.

An RFAI which notes the refund of excessive and/ or prohibited contributions and the existence of a violation will be sent in cases where the total excessive/ prohibited contributions are in excess of ██████████ for Title 2 House and Senate Committees and Title 26 Presidential Committees/ ██████████ for Title 2 Presidential Committees and ██████████ of the total contributions (as reported on Line 11(e), Column A, of the Detailed Summary Page of Form 3; or on Line 17(e), Column A, of the Detailed Summary Page of Form 3P) and have been refunded, redesignated, reattributed, or

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repaid either 1) more than [REDACTED] days after receipt for excessive contributions or 2) more than [REDACTED] days after receipt or when the illegality was discovered for prohibited contributions (if that date can be determined).

Title 26 Presidential Committees: An RFAI will be sent if the candidate has contributed (including loans) or expended in excess of [REDACTED] for the purpose of influencing his/her nomination or election. RAD will coordinate with OGC and Audit concerning any potential problems that may arise in this area.⁹

Applying this Standard:

General

The analyst will check with the appropriate Secretary of State (via web page or phone) in an attempt to verify the status of any contribution that might be from an incorporated entity (e.g., LTD., Company, etc.). If, after consultation with the Secretary of State, the analyst is unable to determine the status of the entity in question, the assumption is that the entity is incorporated unless the committee states otherwise. When this type of research involves large numbers of contributions or if contradictory information is received, written verification may be requested.

Unauthorized Committees

Examples of prohibited, excessive and/or impermissible activity can include:

- a) Funds received from unions, corporations (i.e., disclosed as Inc.), and national banks.
See 2 U.S.C. §441b.¹⁰
- b) Contributions received from possible incorporated entities (e.g., LTD, Company). See 2 U.S.C. §441b.
- c) Reimbursements received by a separate segregated fund from its connected organization outside of the 30 day period permitted under 11 CFR §114.5(b)(3).

⁹ The analyst will keep track of any repayments made and provide this information to the Audit Division.

¹⁰ Independent Expenditure only PACs will not be questioned for the receipt of funds from corporations or labor organizations.

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- d) Transfers received by a federal account from its non-federal account(s) for purposes other than the payment of shared activities; and transfers and contributions received from other federal committees that are not disclosed on the donors' report or a smaller amount is disclosed on the donors' report.
- e) Contributions received in excess of the limitations of 2 U.S.C. §441a, cash contributions received in excess of \$100 and anonymous contributions received in excess of \$50, as so noted on the report.
- f) Reimbursements made or debts owed by a federal account to its non-federal account for federal activity. See 11 CFR §102.5(a). (Allocated Federal Election Activity will be handled under Standard 12.) (Shared federal and non-federal activity will be handled under Standard 13.)
- g) Reimbursements made or debts owed by a separate segregated fund to its connected organization for activity prohibited by 2 U.S.C. §441b and, services (i.e., catering, staff services, lists) provided to an SSF by its connected organization in connection with a fundraiser on behalf of a federal candidate, where it does not appear the committee paid for the services in advance. See 11 CFR §114.2(f) In addition, reimbursements made to Unregistered Organizations, Corporations and Labor Organizations for apparent in-kind contributions made to a political committee.
- h) Contributions made in excess of the limitations of 2 U.S.C. §441a.¹¹
- i) Contributions made to a publicly-financed Presidential nominee for the general election, when it is not clear the contribution is for a general election legal and accounting fund ("GELAC").
- j) Contributions made to federal candidates for debt retirement when no debt is declared by the candidate, in-kind contributions made on behalf of federal candidates designated for

¹¹ Independent Expenditure only PACs will not be questioned for excessive contributions.

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the general election but made before the primary election, and contributions made to federal candidates after an election with no debt designation.

Contributions designated for the primary election, but made after the general election date, will be considered made for the next federal primary election that the candidate is eligible for. Contributions designated for the general election through the end of the election year that do not specify a year of election, will be considered made for the general election for that calendar year.

- k) All earmarked contributions for authorized committees that are forwarded more than 10 days after receipt. See 11 CFR §102.8(a)
- l) Contributions from LLCs where it is not clear on the face of the report that the entity is eligible to make contributions in accordance with 11 CFR §110.1(g) (i.e., not clearly noted as partnership).
- m) Contributions from individuals for which a foreign address has been disclosed. See 11 CFR §110.20

Receipts from Federal Candidates

Receipts from Federal candidates will not be reviewed under this Standard but will be reviewed under Standard 9 for proper disclosure.

Erroneously Deposited Funds into the Non-Federal Account

Notification will not be sent in cases where the federal account receives a transfer from its non-federal or Levin account of erroneously-deposited funds, if the return transaction is accomplished within ■ days from the date of misdeposit, and the committee demonstrates that the funds were intended for the federal account and were federally permissible.

Notification will be sent if:

- the date of deposit into the non-federal or Levin account is unknown,
- the itemization of funds is not provided,

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- the return transaction was completed more than █ days from the date of the misdeposit, or
- the committee does not demonstrate that the funds were intended for the federal account and were federally permissible.

Erroneously Deposited Funds into the Federal Account

Notification will not be sent in cases where the federal account receives funds that were intended for the non-federal or Levin account, if the transfer of funds or refund occurs within █ days from the date of the misdeposit for prohibited receipts which includes receipts from unregistered sources, or within █ days from the date of misdeposit for impermissible and excessive receipts.

Notification will be sent if:

- the itemization of funds is not provided, or
- the transfer-out or refund is completed more than █ days from the date of the misdeposit for prohibited receipts which includes receipts from unregistered sources, and more than █ days from the date of the misdeposit for impermissible and excessive receipts.

Loan Repayments from Non-Federal Account

With regard to loan repayments received from a non-federal account, an RFAI will be sent to the federal account questioning the source of funds used for the repayment and will advise the committee that if prohibited funds were used, the full amount must be returned to the non-federal account. If it is determined that permissible funds were used, no further action will be taken.

Prohibited and/or impermissible contributions and transfers relating to Allocated Federal Election Activity will be handled under Standard 12.

Prohibited and/or impermissible contributions and transfers relating to Allocated Federal and Non-Federal activity will be handled under Standard 13.

Authorized Committees

This Standard is concerned with excessive contributions and prohibited contributions, including loans, goods, services, advances from committee staff and other individuals, and transfers from

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committees that previously supported the candidate for state or local office. This applies to excessive contributions made or received by a committee, and prohibited contributions received by a committee.

If a candidate loses in the primary and has raised money for a future election he/she will not be participating in, those contributions are considered excessive unless they are either refunded, reattributed, or redesignated within █ days of the candidate's non-participation decision. If reattributions and redesignations are not an option and the committee cannot refund the contributions (i.e. the contributors cannot be found), the excessive amount should be disgorged to the U.S. Treasury.

In calculating the dollar amounts for determining which notices will be sent, excessive contributions refunded, reattributed, redesignated or repaid by the █ day after receipt will not be included. Prohibited contributions refunded by the █ day after receipt or after discovery of the illegality (if that date can be determined) will also not be included.

For Title 26 Presidential Committees, any excessive contribution redesignated to the legal and accounting fund within █ days of receipt and with proper authorization from the donor will also not be included.

Included under the review for this standard are loans a committee receives from a lending institution(s), when the loan's collateral may involve jointly held property of the candidate and another person (i.e., their spouse).

Prohibited Receipts

Funds received from unions, corporations (i.e., disclosed as Inc.), and national banks. See 2 U.S.C. §441b.

Contributions received from possible incorporated entities (e.g., LTD, Company). See 2 U.S.C. §441b.

Contributions from LLCs where it is not clear on the face of the report that the entity is eligible

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to make contributions in accordance with 11 CFR §110.1(g) (i.e., not clearly noted as partnership).

Contributions from individuals for which a foreign address has been disclosed. See 11 CFR §110.20

Excessive/Impermissible Contributions

Contributions received or made in excess of the limitations of 2 U.S.C. §441a.

Contributions made to federal candidates for debt retirement when no debt is declared by the candidate.

In-kind contributions made on behalf of federal candidates designated for the general election but made before the primary election.

Contributions made to federal candidates after an election with no debt designation.

Disbursements to National, State and Local Political Parties

Disbursements (contributions or transfers) to national, state and/or local political parties will not be reviewed under this Standard but will be reviewed under Standard 10 for proper disclosure.

Primary After Primary/ General After General Contributions Received After the Primary/ General Election:

- No notice will be sent if the committee discloses receipt of primary/ general contributions after the primary/ general election date, provided the committee has net debts outstanding for the primary/ general election and the total amount of applicable contributions received does not exceed the net debt amount.
- If it appears the committee does not have net debts outstanding for the primary/ general election, an RFAI will be sent.

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Wrong Election Designation for Caucus/Convention Contributions

- An RFAI will be sent if it appears that an incorrect election designation may result in an excessive contribution(s) if a primary election is held after a convention/ caucus. If the contributor designated the contribution to the Primary Election in error, a redesignation from the contributor may be necessary.
- If no election was designated by the contributor, the contribution will be applied to the next election for the federal office the candidate is seeking after the contribution date. (11 CFR §§ 110.1(b)(2) and 110.2(b)(2))

Restrictions on Repayment of Candidate Loans/Debts (House, Senate & Title 2 Presidential)

Contributions received after the applicable election to repay candidate personal fund loans in excess of \$250,000 are considered prohibited contributions. Contributions received on or before the day of election can be used to repay all candidate personal fund loans provided the loans are repaid within 20 days of the appropriate election.

Cash and Anonymous Contributions

Cash contributions received in excess of \$100 and anonymous contributions received in excess of \$50, as so noted on the report, will be handled in accordance with this Standard.

Assessment of Audit Points:

██████████ will be assessed per reporting period if a committee does not respond or inadequately responds to an RFAI, where the total of apparent prohibited, excessive or impermissible contributions exceeds both ██████████ and ██████████ of the applicable Column A Line total (with the exception of Title 2 Presidential Committees).

██████████ will be assessed per reporting period if a Title 2 Presidential Committee does not respond or inadequately responds to an RFAI, where the total of apparent prohibited, excessive or impermissible contributions exceeds both ██████████ and ██████████ of the applicable Column A Line total.

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██████████ will be assessed per reporting period if a Title 2 House or Senate committee or a Title 26 Presidential committee does not respond or inadequately responds to an RFAI, where the apparent violations in question are in excess of ██████████.

██████████ will be assessed per reporting period if a Title 2 Presidential committee does not respond or inadequately responds to an RFAI, where the apparent violations in question are in excess of ██████████.

██████████ will be assessed per reporting period if an unauthorized committee does not respond or inadequately responds to an RFAI, where the apparent violations in question are in excess of ██████████.

A committee will be assessed ██████████ if it does not respond or responds inadequately to an RFAI where the total of apparent prohibited, excessive or impermissible contributions exceeds both ██████████ of the applicable Column A line item total and ██████████ for Title 2 Presidential Committees). ██████████ will be assessed if this amount exceeds ██████████ (██████████ for Title 2 Presidential Committees).

In calculating the dollar amounts, excessive and impermissible contributions and transfers that have been refunded, reattributed, redesignated or transferred-out by the ██████████ day after receipt or disbursement will not be included. Prohibited contributions, including contributions from unregistered sources, refunded by the ██████████ day after receipt, or after the date the illegality was discovered (if that date can be determined), will also not be included.

Unauthorized Committees

Point assessment calculation for entries that are reported on the wrong line (i.e., contributions to federal candidates on Schedule B for Line 29), will be based on the Column A line total they should have been reported on.

Earmarked Contributions

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For undeposited earmarked contributions received for authorized committees that are forwarded outside of the 10-day window, the total amount of all earmarked contributions passed on in the form of the contributor's check will be used as the line item total for point assessment purposes.

Referral to ADRO:

A referral will be made to ADRO in cases where the total amount of apparent prohibited contributions (for which an RFAI has been sent) aggregates in excess of [REDACTED] for the election cycle (calendar year for Unauthorized Committees) and does not meet the threshold for referral to OGC when the prohibited contributions have not been refunded or transferred out within the permissible time frame (over [REDACTED] days of receipt of prohibited contributions).

A referral will be made to ADRO in cases where the total amount of apparent excessive and/or impermissible contributions (for which an RFAI has been sent) aggregates in excess of [REDACTED] for the [REDACTED] ([REDACTED] for Unauthorized Committees) and does not meet the threshold for referral to OGC when the excessive and/or impermissible contributions have not been refunded, redesignated, reattributed or transferred out within the permissible time frame (over [REDACTED] days of receipt of excessive and/or impermissible contributions).

A referral to either OGC or ADRO will consider the election cycle-to-date activity as of the closing date for the 30 Day Post-General Report for committees supporting candidates in the general election and as of the closing date for the 12 Day Pre-Primary Report for committees supporting candidates that lost in the primary. The periods considered will be adjusted accordingly if the candidates are involved in a runoff for either the primary or general elections.

If an amendment is received in response to the questions regarding jointly held property which indicates that the terms of the loan are in compliance with Commission Regulations, no referral will be made.

Referral to OGC:

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General

In cases where a refund, redesignation, or reattribution is made within [REDACTED], such violations will not be counted toward the threshold for a possible referral to OGC.

The analyst will examine the next report filed by the committee (and wait if necessary), to determine whether a potential refund, repayment, or transfer-out will cancel the referral.

There will be no referrals made to OGC under this Standard for Title 26 Committees.

Unauthorized Committees

A referral to OGC will be made when the total amount of apparent violations (for which an RFAI was sent) that are not corrected within [REDACTED] exceed [REDACTED] and exceed [REDACTED] of the appropriate [REDACTED] line total from the Detailed Summary Page of the [REDACTED] report for the [REDACTED].¹²

Authorized Committees

A referral will be made to OGC when the total amount of apparent violations (for which an RFAI was sent) that are not corrected within [REDACTED] aggregate in excess of [REDACTED] for the [REDACTED] and exceed [REDACTED] of the total contributions for the [REDACTED] (as listed on Column B, Line [REDACTED] of the Detailed Summary Page of Form 3; or on Column B, Line [REDACTED] of the Detailed Summary Page of Form 3P).

A referral to either OGC or ADRO will consider the election cycle-to-date activity as of the closing date for the 30 Day Post-General Report for committees¹³ supporting candidates in the general election and as of the closing date for the 12 Day Pre-Primary Report for committees supporting candidates that lost in the primary. The periods considered will be adjusted accordingly if the candidates are involved in a runoff for either the primary or general elections.

¹² For example, if a committee's report disclosed contributions from unregistered organizations on Line [REDACTED] and transfers from non-federal accounts of other committees on Line [REDACTED], [REDACTED] to determine whether the matter should be referred.

¹³ This will apply to Senate committees also.

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Presidential Candidates: A committee of a Presidential candidate who uses multiple committees (i.e., primary committee, general committee), will be referred once the election for which the committee was created is over.

If an amendment is received in response to the questions regarding jointly held property which indicates that the terms of the loan are in compliance with Commission Regulations, no referral will be made.

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Standard 6: Mathematical Discrepancies

Notices Sent:

An RFAI will be sent when the total mathematical discrepancies on a report or between two reports exceed [REDACTED] and [REDACTED] of the total receipts of the report.

An RFAI will be sent when the mathematical discrepancies on a report or between two reports exceed [REDACTED] regardless of the [REDACTED] threshold.

For Title 26 Presidential Committees, an RFAI will be sent when the total mathematical discrepancies on a report or between two reports exceeds [REDACTED].

Applying This Standard:

General

Examples of mathematical discrepancies include addition or subtraction errors, lack of reconciliation between amounts on the Detailed Summary and Summary Pages, disclosing financial activity provided on a previous report, and failure to properly carry forward figures from itemized schedules to the Detailed Summary Page where the total of the supporting schedule is greater than the line item figure on the Summary or Detailed Summary Page. Mathematical discrepancies within the supporting schedules are subject to the above criteria. Mathematical discrepancies relating to loan or debt balance calculations within supporting schedules (C & D) are also subject to this standard.

When it is clear that a mathematical discrepancy on a report causes a discrepancy elsewhere on the report, only the original discrepancy will be counted toward the threshold in determining which notices will be sent.

Discrepancies between ending and beginning cash-on-hand

A committee that discloses overlapping coverage dates and/or a discrepancy between ending and beginning cash-on-hand will be handled under this standard. A gap in coverage dates that does not result in a discrepancy between ending and beginning cash-on-hand will not be sent a notice. **For Unauthorized Committees**, gap in coverage date situations that trigger a non-filer

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letter, as outlined under Standard 4, will not be addressed under this Standard for math discrepancies.

Discrepancies between ending and beginning balances of debts and loans will be reviewed under Standard 7.

Unauthorized Committees

Mathematical discrepancies relating to Federal Election Activity will be handled under Standard 12 and mathematical discrepancies relating to Allocated Federal and Non-Federal Activity will be handled under Standard 13.

Aggregate year-to-date totals

Aggregate year-to-date totals for contributions from all sources will be reviewed under this standard in instances where the aggregate year-to-date totals are less than the itemized entries. When the aggregate year-to-date totals are greater than the itemized entries, it will be handled as a missing schedule under Standard 7.

On Schedule A, it will be considered acceptable if a committee reports aggregate year-to-date figures as a running total or as a grand total through the end of the reporting period.

Discrepancies relating to the Calendar Year-To-Date, Per Election, for Office Sought Total on Schedule E and the Aggregate General Election Expenditure Total on Schedule F will be handled under this Standard.

A notice will NOT be sent in the following cases:

- a) a committee does not list a total for Line 11(a)(iii) but it appears on Line 11(d);
- b) the total appears on Line 11(a)(iii), but not on Line 11(d) provided that Line 11(b) and 11(c) disclose no activity;
- c) a committee does not list the totals for Lines 20 and 32 provided the committee does not disclose shared activity; and
- d) failure to provide Calendar Year-to-Date figures on the first report of the year.

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Authorized Committees

Aggregate Election Cycle-to-Date Totals

Aggregate election cycle-to-date totals for contributions from all sources will be reviewed under this standard in instances where the aggregate election cycle-to-date figure is less than the itemized entries. When the aggregate election cycle-to-date figure is greater than the itemized entries, it will be handled as a missing schedule in accordance with Standard 7.

On Schedule A, it will be considered acceptable if a committee reports aggregate election cycle-to-date figures as a running total or as a grand total through the end of the reporting period.

For new committees, a notice will not be sent for failure to provide election cycle-to-date figures on the first report of the election cycle.

A committee that reports coordinated expenditures will be subject to this Standard.

A committee will not be cited for missing or incorrect aggregate or election cycle to date figures when reporting earmarked contributions from conduit committees.

Post Election Detailed Summary Page

A math discrepancy will occur if a committee does not provide a post-election detailed summary page on the 30 Day Post-General Election Report, a 30 Day Post-Special General Election Report, or Year-End Report in the Election Year, whichever is applicable. A math discrepancy will also occur if a committee provides a post-election Detailed Summary Page for a report for which it should not be provided.

Assessment of Audit Points:

██████████ per reporting period will be assessed if a committee does not respond or responds inadequately to an RFAI.

Referral to ADRO:

A referral to ADRO may be made if a committee does not respond or inadequately responds to
an

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RFAI regarding [REDACTED] discrepancies in excess of [REDACTED] and less than
or equal to [REDACTED] per report.

A referral to ADRO may be made if a committee does not respond or inadequately responds to
an
RFAI regarding [REDACTED] discrepancies in excess of [REDACTED] per report
and the matter has been subject to the OGC Review and Concurrence Process.

A referral to ADRO may be made if an Authorized Committee does not respond or inadequately
responds to an RFAI regarding [REDACTED] discrepancies in excess of [REDACTED] per
report on [REDACTED] in an election cycle and the matter has been subject to the
OGC Review and Concurrence Process.

Referral to OGC:

Referrals will be handled by OGC for the apparent violations noted above in “Referral to
ADRO” when a determination has been made during the OGC Review and Concurrence Process
that the matter(s) in question is better suited for standard processing in OGC.

Consultation with OGC will occur for situations where a report(s) indicates [REDACTED]
[REDACTED], in accordance with
Standard 30.

There will be no referrals made to OGC under this Standard for Title 26 Committees.

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Standard 7: Failure to Provide Supporting Schedules

Notices Sent:

General

An RFAI will be sent for failure to provide supporting schedules if a report has any of the following problems:

- Omitted Summary and/or Detailed Summary Page;
- Omitted or insufficient supporting schedules for contributions from persons requiring itemization, and those items which require disclosure regardless of amount (see below)¹⁴ if the omission is in excess of [REDACTED];

(Unauthorized Committees - Lines 9, 10, 11(a)(i), 11(b), 11(c), 12, 13, 14, 16, 22, 23, 24, 25, 26, 27, 28(b) and 28(c))

(Authorized Committees - Lines 11(a)(i), 11(b), 11(c), 11(d), 12, 13(a), 13(b), 18, 19(a), 19(b), 20(b), and 20(c) of Form 3; or Lines 16, 17(b), 17(c), 18, 19(a), 19(b), 24, 27(a), 27(b), 28(b), and 28(c) of Form 3P)

- A negative ending cash-on-hand amount in excess of [REDACTED] on Line 8 of FEC Form 3 and Form 3X or Line 10 for FEC Form 3P. This will be considered a missing Schedule D unless the subsequent report reveals a positive ending cash-on-hand balance. However, the analyst will not wait for the receipt of the next report to send a notice;
- An amendment(s) is filed more than [REDACTED] business¹⁵ days after the filing date of the original report (whether in response to an RFAI or voluntarily), disclosing additional

¹⁴ While Line 24 for Unauthorized Committees does not require disclosure regardless of amount, for 24/48 hour notice tracking purposes, it will be included in this threshold. In addition, while Line 11(d) for Authorized Committees does not require disclosure regardless of amount, for 48 hour notice tracking purposes, it will be included in this threshold.

¹⁵ Saturday, Sunday and Holidays are not business days for purposes of this review standard.

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financial activity of at least [REDACTED] of the receipts or expenditures or debts, whichever is appropriate, and in excess of [REDACTED] (this does not apply to an amendment(s) filed prior to the due date of the original report);

- Amendments filed to reports covering the current and/or previous election cycles disclosing additional financial activity (receipts plus expenditures plus debts) aggregating in excess of [REDACTED] (this does not apply to amendments filed prior to the due date of the original report). This threshold will apply only to amendments received during the current election cycle and this analysis will be conducted every [REDACTED]
[REDACTED]
- An illegible Schedule(s) when the activity amount on the Schedule exceeds [REDACTED];
- An amendment filed more than [REDACTED] business days after the filing date of the original report (whether in response to an RFAI or voluntarily), disclosing a decrease in activity of at least [REDACTED] of the receipts or expenditures or debts, whichever is appropriate, and the deleted activity exceeds [REDACTED] and no explanation has been provided;
- Amendments filed to reports covering the current and/or previous election cycles disclosing a decrease in activity (receipts plus expenditures plus debts) aggregating in excess of [REDACTED] and no explanation has been provided. This threshold will apply only to amendments received during the current election cycle and this analysis will be conducted every [REDACTED];
- Offsets to operating expenditures disclosed on Schedule A that aggregate in excess of [REDACTED] with no prior disclosure of a disbursement on Schedule B (or E, F, H4 or H6 for Unauthorized Committees).
- An RFAI will be sent for omission of a new bank depository when a report discloses a receipt of interest from a bank which has never been disclosed as a depository on the Statement of Organization.

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Unauthorized Committees

- Omitted supporting schedules for items requiring disclosure above the \$200 threshold (i.e., Lines 15, 17, 21b, 28(a) and 29) if the amount on Column A of the Detailed Summary Page for the respective line(s) exceeds [REDACTED];
- Unitemized receipts in excess of [REDACTED] disclosed on Line 11(a)(ii), Column A of the Detailed Summary Page, when there are no itemized receipts disclosed on Line 11(a)(i). If a response to this issue results in the itemization of receipts on Schedule A, it will be considered a missing schedule and the amount will be aggregated towards the in excess of [REDACTED] per schedule threshold for point assessment purposes;
- A 24 and/or 48-Hour Notice is not filed, or is not timely filed and the amount is in excess of [REDACTED] [REDACTED];
- A Form 1M has not been filed to certify that the criteria for multicandidate committee status have been satisfied.

Authorized Committees

- The amount of contributions not reported on 48-Hour Notices exceeds [REDACTED].
- A Form 3Z was not with a report filed by a principal campaign committee which has other authorized committees accepting contributions or making disbursements in relation to the current election cycle and the estimated missing activity exceeds [REDACTED].
- When a committee discloses an amount in excess of [REDACTED] on Lines 14, 15, 17, 20(a), or 21 of Form 3; or Lines 17(a), 20(d), 21, 23, 25, 26, 28(a) or 29 of Form 3P and a supporting schedule is not provided.
- On Form 3, when a committee discloses an amount in excess of [REDACTED] on Line 11(a)(ii) and there are no supporting schedules for Line 11(a)(i).
- On Form 3, an RFAI will be sent if the amount of unitemized contributions on Line

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11(a)(ii) is both 1) greater than the total amount of itemized contributions on Line 11(a)(i) by more than [REDACTED], and 2) at least [REDACTED] [REDACTED] the total of Line 11(a)(i).

- When a 48-Hour notice is filed and the contribution(s) in excess of [REDACTED] are not disclosed on Schedule A.

- For Title 26 Presidential Primary Committees Only
 - a. An omitted Page 3 of Form 3P (Allocation of Primary Expenditures by State for a Presidential Candidate)
 - b. Failure to continually report contributed items on hand to be liquidated (e.g. artworks, stocks, & bonds) or failure to report the liquidation transaction when the amount involved exceeds [REDACTED].

- A reconciliation of contributions reported as received by candidate committees will be compared to contributions reported as made by political action committees. The reconciliation will be performed after the end of the first calendar year and thereafter at the end of each election cycle. An RFAI will be generated for missing activity of more than [REDACTED] and [REDACTED] of the total PAC receipts (Line 11(c), Column B).

All Committees (Informational Paragraphs)

An informational paragraph under this Standard (as described below) will only be sent in cases where an RFAI is being sent on the same report.

An informational paragraph will be sent if the committee does not provide separate schedules, when necessary, for each line of the Detailed Summary Page.

It will not be considered a missing schedule if the committee disclosed activity on the appropriate

Schedule and the figure is entered on the wrong line of the Summary or Detailed Summary Page. Instead, an informational paragraph will be sent if the amount of the activity categorized incorrectly exceeds [REDACTED].

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Applying this Standard:

General

If a line item on the Summary or Detailed Summary Page is more than the amount disclosed on the supporting schedule, the committee will be subject to the thresholds for missing schedules. This rule does not apply to Lines 15, 17, 21(b), 28(a) and 29 for Unauthorized Committees or Lines 14, 15, 17, 20(a), or 21 of Form 3 and Lines 17(a), 20(d), 21, 23, 25, 26, 28(a) or 29 of Form 3P for Authorized Committees.

Beginning Cash-on-Hand, First Report

It will be considered a missing schedule if the committee reports a beginning cash balance on its initial filing and has not supplied the schedule(s) or an explanatory statement to support that amount.

Debts and Loans

If a committee reports a new debt with an outstanding beginning balance greater than \$500 (see 11 CFR 104.11(b)), it will be considered a missing Schedule D and subject to the Line 9 and 10 thresholds for missing schedules. (Therefore, the beginning balance would have to be in excess of █████ in order to meet the RFAI threshold).

If a debt or loan is not reported continuously from one report to the next, (i.e., the debt is not itemized on a supporting schedule and the amount of the debt is excluded from Lines 9 or 10), it will be considered a missing schedule.

Loan and/or debt ending and beginning balance discrepancies between reports, will be considered a missing schedule and subject to the thresholds for this Standard.

If a loan or debt is paid in full on a disbursement schedule, the committee is not required to disclose the dissolution of that obligation on Schedule C or D. However, if an outstanding debt or loan is omitted from a report, but appears on a subsequent report, █████ will be sent if there is no change in the status of the debt or loan. The analyst will not wait for the receipt of the subsequent report to send a notice.

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The dissolution of a loan does not need to be disclosed on Schedule C when the committee sends a letter stating the loan was forgiven.

It will not be considered a missing Schedule D if the committee states that a creditor has gone bankrupt, or has moved and cannot be reached.

Debt and loan payments reflected on Schedules C and/or D that are omitted or partially disclosed on disbursement schedules will be subject to the thresholds for missing schedules.

An omitted Schedule C-1 and/or loan agreement will be subject to Standard 16.

In-Kind Contributions

Notification will be sent if an in-kind contribution is reported on Schedule A, but is not reflected on Schedule B, or vice versa, subject to the thresholds for a notice. The amount of the in-kind contributions must be included in both the receipt and disbursement totals. The committee will be subject to the threshold for Mathematical Discrepancies (Standard 6) if the amounts are not in both totals.

Staff Advances/Reimbursements on Schedule D

Travel or non-travel staff advances/reimbursements to individuals on Schedule D in excess of [REDACTED] and with no corresponding memo entry on Schedule A showing the staff advance will be considered a missing Schedule A.

Increase/Decrease in Financial Activity

Please note that debts can be estimated by committees and the reports later amended with the exact figures if they do not have all the information at the time of the filing. A response that states the original debt amounts were estimates since the invoices/bills had not been received would be considered adequate.

Unauthorized Committees

Aggregate year-to-date totals:

Aggregate year-to-date totals are subject to the thresholds for missing schedules in cases where

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the aggregate totals are greater than the itemized entries.

Earmarked contributions

Notification will be sent if an earmarked contribution is reported on Schedule A, but is not reflected on Schedule B, or vice versa, subject to the thresholds for missing schedules.

Earmarked contributions for authorized committees, regardless of amount, forwarded more than 10 days after receipt, will be handled under Standard 5.

Payroll Deductions

It will be considered a missing Schedule A if a committee does not report the total amount deducted for the reporting period when using a payroll deduction method, subject to the thresholds for missing schedules.

All other missing information pertaining to payroll deductions will be handled under Standard 8.

Transfers from a Joint Fundraising Committee

The assessment of the joint fundraising activity noted below will be made based on a [REDACTED] period. For both Quarterly and Monthly filers, this will be calculated based on the combined activity (transfers and memos) of all reports filed within each [REDACTED] and the assessment will be made when reviewing the [REDACTED] Report (for both the non-election year and the election year).

Notification will be sent if transfers from a joint fundraising committee are reported on Schedule A, but no memo Schedule A is provided or insufficient memo Schedules A are provided to disclose the original contributors to the fundraiser, subject to the thresholds for missing schedules.

Notification will also be sent if memo Schedules A are provided to disclose the original contributors to the joint fundraiser, but no transfer-in from the joint fundraising committee is disclosed on Schedule A.

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Independent Expenditures: 24 and 48-Hour Notices/Schedule E

When reviewing committees making independent expenditures, the analyst will verify that "24 and 48-Hour Notices" were filed with the Commission in a timely manner.

24-Hour Notices must be filed when independent expenditures aggregating \$1,000 or more are made with respect to a given election, during the period less than 20 days, but more than 24 hours before the day of an election. The notice must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures aggregate \$1,000 or more in accordance with 11 CFR §104.4 (c) and (f).

48-Hour Notices must be filed when independent expenditures aggregating \$10,000 or more are made with respect to a given election any time during the calendar year up to and including the 20th day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures aggregate \$10,000 or more in accordance with 11 CFR §104.4 (b) and (f).

Independent Expenditures that are made (disseminated or distributed) in one reporting period and paid for in a subsequent reporting period, must be disclosed as memo entries on Schedule E with a corresponding Schedule D, if a reportable debt under 11 CFR §104.11. Subsequently, when payment is made, it must be disclosed on Schedule E and Schedule D in the appropriate reporting period.

Additionally, "24 and 48-Hour Notices" filed by a committee will be checked against the next report to determine if the expenditures have been included on Schedule E supporting Line 24 of the Detailed Summary Page.

For referral purposes, 24 and 48-Hour Notices must be received [REDACTED] (the Notice must be date stamped by the Commission by [REDACTED]) to be considered "filed" under this Standard.

Independent Expenditures: 24 and 48-Hour Notices/FEC Form 5

When reviewing committees making independent expenditures, the analyst will verify that "24

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and 48-Hour Notices" were filed with the Commission in a timely manner.

24-Hour Notices must be filed when independent expenditures aggregating \$1,000 or more are made with respect to a given election, during the period less than 20 days, but more than 24 hours before the day of an election. To be considered timely filed, the notice must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures aggregate \$1,000 or more in accordance with 11 CFR §104.4 (c) and (f).

An RFAI will be sent to an individual, organization or qualified nonprofit corporation (QNC) when the 24-Hour Notice is not filed by the filer during the 24-Hour notice period. The RFAI will be sent on the report in which encompasses the 24-Hour notice period.

48-Hour Notices must be filed when independent expenditures aggregating \$10,000 or more are made with respect to a given election any time during the calendar year up to and including the 20th day before an election. To be considered timely filed, the notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures aggregate \$10,000 or more in accordance with 11 CFR §104.4 (b) and (f).

An RFAI will be sent to an individual, organization or QNC when the 48-Hour Notice is not filed or not timely filed. The RFAI will be sent on the report that covers the period that includes the second day following the date on which independent expenditures occurred.

Omitted Schedules for Federal Election Activity will be handled under Standard 12.

Omitted schedules for Allocated Federal and Non-Federal activity will be handled under Standard 13.

Authorized Committees

Aggregate Election Cycle-to-Date Totals:

Aggregate election cycle-to-date figures are subject to the criteria for missing schedules in cases where the aggregate totals are greater than the itemized entries.

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Failure to Provide Form 3Z:

Form 3Z is required only for committees authorized for the same election(s) for which the principal campaign committee is required to file reports. A principal campaign committee of the same candidate from a previous election that is still filing reports is not considered an authorized committee for this Standard.

Candidate Contributions and Loans:

It will be considered a missing schedule if the committee does not provide a Schedule A for contributions or loans from the candidate.

Candidate loans from personal funds that are combined into a single figure will not be counted as a missing schedule as long as the loan terms for the personal funds loans are the same.

Conversion of Candidate Contributions to Candidate Loans:

If a committee discloses the conversion of a candidate contribution to a candidate loan, this discrepancy will be subject to thresholds for missing schedules. An RFAI will be sent to the committee asking for clarification concerning the conversion and the loan. The Branch Chief will coordinate with OGC for further guidance and for further recommendations prior to any referrals. A maximum of [REDACTED] may be assessed per loan.

Transfers from a Joint Fundraising Committee:

If a committee discloses a transfer from a joint fundraising committee, but does not provide or only partially provides the Memo Schedule(s) A to support that transfer, it will be subject to the thresholds for missing schedules.

Earmarked Contributions through a Conduit:

If a committee does not disclose the original contributor information for an earmarked contribution received through a conduit, the discrepancy will be subject to the thresholds for missing schedules. If the committee does not disclose information regarding the conduit, the discrepancy will be subject to the thresholds for Standard 25.

48-Hour Notifications of Last Minute Contributions of \$1,000 or more:

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Schedule(s) A of the first report required to be filed after an election will be checked to see if any contributions (including loan guarantees, guarantees of draws on a line of credit and earmarked contributions) of [REDACTED] or more were received from the close of books for the 12 Day Pre-Election Report up to 48 hours prior to the election. If any contributions of this amount were received, a check will be made to see if "48-Hour Notices" were filed with the Commission. Conversely, "48-Hour Notices" filed by a committee will be checked against the post-election report to determine if the contributions have been included as required. It will be considered a missing Schedule A in cases where a 48-Hour Notice is filed and the contribution is not included on Schedule A of any of the committee's reports. 48-Hour Notices must be received [REDACTED] (the Notice must be date stamped by the Senate or Commission by [REDACTED]) to be considered "filed" under this standard. In cases where a date of receipt differs between a 48-Hour Notice and Schedule A, no notice will be sent if the contributor and amount of the contribution are the same.

The transfer amount (appearing on line 12 (Form 3) or line 18 (Form 3P) from a joint fundraising committee to a PCC is not considered a contribution and does not require 48-Hour notices. However, contributions of [REDACTED] or more made to a joint fundraising committee during the 48-Hour notice period do require 48-Hour notices. Thus, memo schedule(s), from a joint fundraiser, supporting transfers that occur only during the 48-Hour notice period will be checked for contributions of [REDACTED] or more. Transfers that occur after the 48-Hour notice period will not be checked for potential 48-Hour notice violations.

In reviewing reports for failure to file 48-Hour notices, contributions received via a conduit will be treated the same as contributions received through a joint fundraising committee. Thus, no violation will occur if the contributions of [REDACTED] or more received by the conduit (within the 48-Hour notice period) are passed on by the conduit outside the 48-Hour period, and no Form 6's* were received for those contributions.

A violation will occur only if the following three conditions are met:

- no 48-Hour notice is filed
- the [REDACTED] the 48-Hour notice period
- the [REDACTED] the 48-Hour notice period.

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The 48-Hour notice filing requirement with regard to partnerships applies only to contributions of [REDACTED] or more made from partnerships and not from each partner's attribution of that contribution.

The 48-Hour notices filing requirement does not apply to presidential committees participating in primary elections.

Assessment of Audit Points:

[REDACTED] will be assessed if the Committee does not respond or responds inadequately to an RFAI.

For assessment purposes, points will be assigned on a [REDACTED] basis [REDACTED]
[REDACTED]
[REDACTED].

Also, if an RFAI is sent to a committee concerning a loan, a maximum of [REDACTED] will be assessed per loan. This procedure applies when there is both a missing schedule and missing terms in regards to the same loan. This rule does not apply to loans where there is both a missing
missing
schedule and a missing source. [REDACTED] can be assessed for a missing source under Standard 16, Failure to Properly Itemize Loans.

If a committee does not respond to a notice under this Standard to amend earlier reports by itemizing debts or loans, [REDACTED] will be assessed on a subsequent report per [REDACTED] for authorized committees [REDACTED]
[REDACTED].

If a loan or debt is dropped (not included in line total), [REDACTED] will be assessed on the first report filed on which the obligation should have been reported. Subsequent reports will not be [REDACTED].

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A committee that files an amendment(s) to a report more than [REDACTED] after the filing date of the original report (whether in response to an RFAI or voluntarily), which discloses an increase or a decrease in financial activity of at least [REDACTED] of the receipts or expenditures or debts, whichever is appropriate, and is in excess of [REDACTED], will be assessed [REDACTED] [REDACTED] for the reporting period. A committee can receive [REDACTED] [REDACTED]. Amendments filed prior to the due date of the original report are not subject to this provision. Receipts, disbursements and debts should be assessed separately for the reporting period (not combined).

For Amendments filed to reports in the current and/or previous election cycles disclosing additional financial activity or a decrease in financial activity (receipts plus expenditures plus debts) aggregating in excess of [REDACTED] [REDACTED].

[REDACTED] will be assessed when a report discloses a receipt of interest from a bank which has not been disclosed as a depository on the Statement of Organization.

Unauthorized Committees

A committee will be assessed [REDACTED] per reporting period, for failure to timely file "24 and 48-Hour Notices" where the dollar amount exceeds [REDACTED].

Authorized Committees

[REDACTED] (primary, general, runoff) will be assessed if a committee does not file "48-Hour Notices" where the dollar amount exceeds [REDACTED].

[REDACTED] will be assessed if a Committee does not respond or responds inadequately to an RFAI sent for omitted activity resulting from a receipt/disbursement comparison between candidate receipts and PAC disbursements.

Referral to ADRO:

Omitted Schedules (Not Including Increased/Decreased Activity on an Amended Report)

A referral to ADRO will be made when a committee does not respond or inadequately responds

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to an RFAI and the total of all omitted schedules exceeds [REDACTED] and is less than or equal to [REDACTED] per report.

A referral to ADRO may be made if the total of all omitted schedules exceeds [REDACTED] and the matter has been subject to the OGC Review and Concurrence Process.

For Unauthorized Committees this includes "24 and 48 Hour Notices" that have not been filed or that have been filed on or after the applicable election.

In addition, a referral to ADRO will be made for failure to timely file 48-Hour Notices within [REDACTED] calendar days from the date the independent expenditure was made.

Increased/Decreased¹⁶ Activity on an Amended Report

A referral will be made to ADRO if a committee files an amendment(s) [REDACTED] or more business days after the filing date of the original report (or after the report due date, whichever is latest), which discloses an increase or decrease in receipts or disbursements or debts of [REDACTED] or more and:

- For Election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED] (includes October Quarterly, October Monthly and Pre-election reports for primary, general, runoff and special elections).
- For Non-election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED].

A referral may also be made to ADRO if the increase or decrease in activity is [REDACTED] or more and is in excess of [REDACTED] for election sensitive reports, and in excess of [REDACTED] for non-election sensitive reports, and the matter has been subject to the OGC Review and Concurrence Process.

A referral may be made to ADRO if the increase or decrease in activity (receipts plus expenditures plus debts) aggregates in excess of [REDACTED] and less than or equal to [REDACTED] on

¹⁶ A decrease in activity will only be referred when a response providing an explanation has not been received.

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amendments filed to reports covering the current and/or previous election cycles, which were received during the current election cycle.

General

For ADRO or OGC purposes, if a subsequent amendment reduces the amount of the apparent violation, and it is below the threshold, no referral will be made.

Referral to OGC:

Omitted Schedules (Not Including Increased/Decreased Activity on an Amended Report)

A referral to OGC will be made when a committee does not respond or inadequately responds to an RFAI and the total of all omitted schedules exceeds [REDACTED] per report and when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

For Unauthorized Committees this includes "24 and 48-Hour Notices" that have not been filed or that have been filed on or after the applicable election.

In addition, a referral to OGC will be made for failure to timely file 48-Hour Notices within [REDACTED] calendar days from the date the independent expenditure was made.

Increased/Decreased¹⁷ Activity on an Amended Report

A referral will be made to OGC if a committee files an amendment(s) [REDACTED] or more business days after the filing date of the original report, which discloses an increase or decrease in receipts or disbursements or debts of [REDACTED] or more and, for election sensitive reports, is in excess of [REDACTED] and for non-election sensitive reports, is in excess of [REDACTED], when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

A referral may be made to OGC if the increase or decrease in activity (receipts plus expenditures plus debts) aggregates in excess of [REDACTED] on amendments filed to reports covering the current and/or previous election cycles, which were received during the current election cycle.

¹⁷ A decrease in activity will only be referred when a response providing an explanation has not been received.

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General

Consultation with OGC will occur for situations where a report(s) indicates an unauthorized or otherwise irregular receipt or disbursement of committee funds has occurred, in accordance with Standard 30.

There will be no referrals made to OGC under this Standard for Title 26 Committees.

For ADRO or OGC purposes, if a subsequent amendment reduces the amount of the apparent violation, and it is below the threshold, no referral will be made.

Authorized Committees

Failure to File 48-Hour Notices of Last Minute Contributions of \$2,500 or More

A committee which supports a candidate will be handled by the Administrative Fines Program for failure to file the required 48-Hour Notices in cases where the dollar amount is in excess of [REDACTED], including candidate contributions, candidate loans from personal funds, and candidate loan guarantees.

The above are the only thresholds applicable to missing 48-Hour Notices. The Administrative Fine Program threshold of [REDACTED] applicable to late and non-filed reports does not apply to 48-Hour Notice violations.

A committee that files all of its required 48-Hour Notices [REDACTED] may, after consultation with the Assistant Staff Director of RAD, be referred to OGC.

When committees that are required to file reports electronically, file 48-Hour Notices via fax, the notices will be considered not filed.

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Standard 8: Failure to Properly Itemize Contributions from Individuals

Notices Sent:

General

An RFAI will be sent for failure to properly disclose the name, address, date, amount of contribution, aggregate total, partnership, sole proprietorship and/or LLC (Limited Liability Companies) attribution¹⁸ (when necessary), occupation and name of employer for [REDACTED], but not less than [REDACTED] per report.

A joint contribution (i.e., one transaction from “John and Mary Smith”) will count as [REDACTED] toward the RFAI threshold if, when the contribution’s aggregate is split 50/50 between the two people, the resulting contributions would require itemization.

An informational paragraph under this Standard will only be sent in cases where an RFAI is being sent on the same report.

An informational paragraph will be sent if the error or omission rate increases by more than [REDACTED] from the percentage best efforts was previously established at.

An informational paragraph will be sent requesting the attribution of the contribution to each contributing partner when partnership, sole proprietorship and/or LLC contributions total in excess of [REDACTED] and no attributions are provided.

Unauthorized Committees

An informational paragraph will also be sent if a report does not properly itemize contributions received through a payroll deduction plan pursuant to 11 CFR §104.8 (i.e., failure to provide the amount deducted per pay period or the frequency of the deduction), or does not use the appropriate reporting method for earmarked contributions pursuant to 11 CFR §110.6. If the schedules total less than the required amount for such contributions, it will be treated as a missing schedule under Standard 7.

¹⁸ See Standard 5 regarding treatment of LLC contributions.

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Authorized Committees

An informational paragraph will be sent to a committee that does not provide the election designation for contributions from individuals when a minimum of [REDACTED] are missing an election designation. Commission Regulations provide the procedure for determining the election to which a contribution should be attributed (11 CFR §110.1(b)(2)(ii)).

Applying this Standard

General

Initials are not considered adequate disclosure for the name of an individual.

Job titles of a general nature, such as "executive" and "businessman" will be acceptable for reports filed by all committees provided that the name of employer has been disclosed. If the Committee does not disclose a contributor's employer, the following entries for occupation would be adequate (these examples are not all inclusive) - "retired", "student", "farmer", "homenaker", "housewife", "volunteer", "unemployed", "entrepreneur", "philanthropist", "disabled" and clergy positions. All other entries should have an employer and occupation filled in. Employer/Occupation entries such as "self/doctor" and "self/attorney" will also be acceptable (see chart for examples of unacceptable entries – this is a working list and is not all inclusive).

SORTED BY EMPLOYER	
Employer	Occupation
(Blank or Filled In)	Employee
(Blank or Filled In)	Staff
(Blank or Filled In)	Worker
(Blank)	(Blank)
(Blank)	Best Efforts
(Blank)	Information Requested
(Blank)	Consultant
(Blank)	Contractor
(Blank)	Info Requested
(Blank)	Self Employed
(Blank)	Businessman
(Blank)	Businesswoman
(Blank)	Businessperson
(Blank)	Small Business Owner
(Blank)	None
(Blank)	Investor
(Blank)	N/A
(Blank)*	(Filled In)
(Filled In)*	(Blank)

SORTED BY OCCUPATION	
Employer	Occupation
Businessman	(Blank or Filled In)
Businessperson	(Blank or Filled In)
Businesswoman	(Blank or Filled In)
Employee	(Blank or Filled In)
Staff	(Blank or Filled In)
Worker	(Blank or Filled In)
(Blank)	(Blank)
(Filled In)*	(Blank)
Best Efforts	(Blank)
Info Requested	(Blank)
Information Requested	(Blank)
Investor	(Blank)
N/A	(Blank)
None	(Blank)
Self Employed	(Blank)
Small Business Owner	(Blank)
(Blank)*	(Filled In)
(Blank)	Best Efforts
Best Efforts	Best Efforts

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SORTED BY EMPLOYER		SORTED BY OCCUPATION	
Best Efforts	Best Efforts	(Blank)	Businessman
Best Efforts	(Blank)	(Blank)	Businessperson
Businessman	(Blank or Filled In)	(Blank)	Businesswoman
Businessperson	(Blank or Filled In)	Self	CEO
Businesswoman	(Blank or Filled In)	Self	Chairman
CEO	Self	(Blank)	Consultant
Chairman	Self	(Blank)	Contractor
Employee	(Blank or Filled In)	(Blank or Filled In)	Employee
Executive	Self	Self	Executive
Info Requested	Info Requested	(Blank)	Info Requested
Info Requested	(Blank)	Info Requested	Info Requested
Information Requested	Information Requested	(Blank)	Information Requested
Information Requested	(Blank)	Information Requested	Information Requested
N/A	N/A	(Blank)	N/A
N/A	(Blank)	N/A	N/A
None	None	(Blank)	None
None	(Blank)	None	None
Owner	Self	Self	Owner
President	Self	Self	President
Self	Executive	CEO	Self
Self	Owner	Chairman	Self
Self	President	Executive	Self
Self	CEO	Owner	Self
Self	Chairman	President	Self
Self	Small Business Owner	Small Business Owner	Self
Self Employed	Self Employed	(Blank)	Self Employed
Self Employed	(Blank)	Self Employed	Self Employed
Small Business Owner	(Blank)	(Blank)	Small Business Owner
Small Business Owner	Self	Self	Small Business Owner
Staff	(Blank or Filled In)	(Blank or Filled In)	Staff
Worker	(Blank or Filled In)	(Blank or Filled In)	Worker

* Except when E/O is Student, Volunteer, Homemaker, Housewife, Retired, Unemployed, Farmer, Entrepreneur, Philanthropist, Clergy or Disabled.

In determining the adequacy of a contributor's address, the following must be supplied:

- The street address, PO Box, or Rural Route #
- The city, state, and zip code.

The percentage of inadequate entries will be calculated based on the total entries for contributions from individuals, Indian Tribes, partnerships, sole proprietorships, LLCs and individual contribution memo entries (i.e., joint fundraising receipts, reattributions and redesignations), deposited and undeposited earmarked contributions (Unauthorized Committees) and earmarked contributions through a conduit (Authorized Committees). Only those contributions that require itemization will be counted toward this threshold.

Any contribution without an aggregate amount shall be included in the calculation of inadequate entries (with the exception of earmarked contributions), unless the report specifically states that

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contributions below the \$200 threshold have been disclosed.

For in-kind contributions that aggregate in excess of the \$200 disclosure threshold, the Schedule A and Schedule B entries for the transaction must be itemized completely on both schedules.

An entry of "see above", "see previous", or ditto marks ("") will not be accepted as an adequate entry.

[REDACTED]

Unauthorized Committees

Disclosure of earmarked contributions is required regardless of amount (i.e. name, mailing address, date received/forwarded, etc. - see 11 CFR §110.6(c)(iv)); however, the occupation and name of employer information is only required for each earmarked contribution that exceeds \$200 and an aggregate year-to-date total is not required.

Failure to provide aggregate year-to-date totals on the first report filed in a calendar year will not be counted toward this threshold, as long as the report has no unitemized contributions appearing on Line 11(a)(ii).

Authorized Committees

For new committees, failure to provide election cycle-to-date totals on the first report filed in an election cycle will not be counted toward this threshold.

Contributions from the candidate will not be counted toward this threshold.

Best Efforts Documentation (all committees)

No action will be taken if a committee establishes "Best Efforts" as defined in 11 CFR §104.7, for obtaining the required disclosure information. The committee must provide the Commission with a description of its procedures for requesting the required information and may also supply

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copy of a solicitation. At a minimum, establishment of best efforts must consist of the following three parts in order to be considered adequate:

- a. The committee must request the contributor information in initial solicitations (whether via letter, e-mail, in person or telephone). Each request for the information must include a clear and conspicuous request for the information and must inform the contributor of the requirements of federal law for the reporting of such information.

- b. If the committee receives a contribution that exceeds the \$200 threshold but lacks the required contributor information, the committee must attempt an additional stand alone letter, e-mail, oral request or telephone call for the information no later than 30 days after the receipt of the contribution. This second request must also:
 - be documented in writing for oral requests or phone calls (to include date of request);
 - clearly ask for the missing information without soliciting another contribution;
 - inform the contributor of the requirements of federal law for the reporting of such information; and
 - supply a pre-addressed post card or envelope if the request is sent by mail. Reference to any type of envelope (self addressed, postage paid, self stamped, enclosed, return, or business reply) will also be acceptable.

- c. When the Committee subsequently receives this information, the committee either:
 - 1) files an amended “memo” Schedule A with the next regularly scheduled report listing all contributions for which additional information was received; or
 - 2) files an amendment to the report(s) originally disclosing the contributions on or before the next regularly scheduled reporting date.

Best Efforts documentation will be acceptable for entries with missing and/or inadequate occupations, names of employers and mailing addresses of contributors, but will not be acceptable for entries with missing and/or inadequate aggregate year-to-date totals, dates of receipt and/or amounts of receipt.

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Once a treasurer establishes that best efforts are being made to obtain the required information (contributor name, address, occupation and name of employer), no action will be taken on future reports unless the error or omission rate for this information increases more than [REDACTED] from the percentage amount on the report in which best efforts was established. In cases where this increase occurs, an informational paragraph will be sent to the committee. Best Efforts must be re-confirmed for each election cycle.

Assessment of Audit Points:

General

A committee will be assessed [REDACTED] per reporting period if it does not respond or inadequately responds to an RFAI for [REDACTED] but not less than [REDACTED] entries missing or having inadequate information per reporting period.

A committee will be assessed [REDACTED] if it does not respond or responds inadequately to an RFAI for [REDACTED] but not less than [REDACTED] entries missing or having inadequate information per reporting period. [REDACTED] will be assessed if the missing or inadequate information totals [REDACTED] but not less than [REDACTED] entries per reporting period.

Points will not be assessed for a report filed prior to the establishment of Best Efforts if a committee indicates that it was carrying out Best Efforts procedures during the entire period covered by the report.

If a committee establishes that Best Efforts have been made to obtain the necessary information (contributor name, address, occupation and name of employer), [REDACTED] under this Standard will be assessed on future reports during the election cycle, except possibly on the 2012 Year End Report for Unauthorized Committees and the 30G for Authorized Committees (see below). However, [REDACTED] will be assessed per report for entries missing aggregate year-to-date totals (Unauthorized Committees), missing election cycle-to-date amounts (Authorized Committees), missing dates of receipt and/or amounts of receipt since the "Best Efforts" documentation does not apply to this information.

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████████████████████ will be assessed if a committee that established best efforts are being made still has a large percentage of the individual contributions lacking the adequate contributor information at the end of the election cycle. A committee will be assessed ██████████ for failing to correct ██████ or more of the entries for the full election cycle for Unauthorized Committees or for Authorized Committees, through the ██████████ Report for committees supporting candidates in the general election and through the ██████████ Report for committees supporting losing candidates in the primary election.

Referral to ADRO:

General

A committee will be referred to ADRO if it meets both of the following criteria:

- The committee failed to correct the itemization information for entries that total ██████████ in number for the ██████████, and
- The committee failed to correct the itemization information for ██████ or more of the total entries requiring itemization for the ██████████.

Authorized Committees

The referral will consider the election cycle to date activity as of the closing date for the ██████████ Report for committees supporting candidates in the general election and as of the closing date for the ██████████ Report for committees supporting candidates that lost in the Primary. The periods considered will be adjusted accordingly if the candidates are involved in a runoff for either the primary or general elections.

There will be no referral made to ADR under this Standard for Title 26 committees.

Referral to OGC:

General

A committee will be referred to OGC in lieu of ADRO if it meets the following criteria:

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- The committee failed to correct the itemization information for entries that total [REDACTED] or more in number for the [REDACTED], and
- The committee failed to correct the itemization information for [REDACTED] or more of the total entries requiring itemization for the [REDACTED].

For purposes of this Standard, "fails to correct" means that the committee does not respond, merely responds that "best efforts" have been made but provides no description of the committee's procedures for requesting the required information, provides an adequate description of the committee's procedures for requesting the required information, but does not actually amend its reports with updated information or provides some other inadequate response.

Prior to making a referral, the analyst will call the committee to ask for confirmation that reports are being amended as contributor information is received. A statement filed by the committee confirming that missing contributor information has been requested, but has not been provided by the contributors, [REDACTED].

Even if a committee has established "Best Efforts", these referral thresholds will also apply if there are missing aggregate year-to-date/election cycle-to-date totals, dates of receipt and/or amounts of receipt.

Authorized Committees

The referral will consider the election cycle to date activity as of the closing date for the [REDACTED] [REDACTED] Report for committees supporting candidates in the general election and as of the closing date for the [REDACTED] Report for committees supporting candidates that lost in the Primary. The periods considered will be adjusted accordingly if the candidates are involved in a runoff for either the primary or general elections.

There will be no referrals made to OGC under this Standard for Title 26 Committees.

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SENSITIVE

**Standard 9: Failure to Properly Itemize Contributions and Transfers from
Political Committees**

Notices Sent:

General

An RFAI will be sent if a report does not properly itemize contributions and transfers received for [REDACTED] percent but not less than [REDACTED] contributions from political party committees and other political committees.

Unauthorized Committees

An RFAI will be sent if a report does not properly itemize contributions and transfers received that total in excess of [REDACTED]

Authorized Committees

An informational paragraph under this Standard will only be sent in cases where an RFAI is being sent on the same report.

An informational paragraph will be sent to a committee which does not provide the election designation for contributions from political party committees and other political committees when a minimum of [REDACTED] entries are missing an election designation. Commission Regulations provide the procedure for determining the election to which a contribution should be allocated (11 CFR §110.2(b)(2)(ii)).

Applying This Standard:

Contributions and transfers received on Schedule A must include:

- The committee's complete name (must include PAC, COPE, etc.) unless an FEC Committee ID number is provided;
- Address (see below);
- Date of receipt
- Amount; and
- The aggregate total (election cycle-to-date for authorized committees and year-to-date for unauthorized committees with the exception of affiliated committees).

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Contributions received from political party committees and other political committees and reported incorrectly on Schedule A for other lines will be included under this Standard.

In determining the adequacy of a contributor's address, both of the following items must be supplied:

- The street address, PO Box, or Rural Route #
- The city, state, and zip code

An entry of "see above", "see previous", or ditto marks ("") will not be accepted as an adequate entry.

Unauthorized Committees

No notice will be sent for failure to provide aggregate year-to-date totals on the first report filed during a calendar year.

Receipts from Federal Candidates

Receipts from Federal Candidates will be subject to the thresholds for a notice under this Standard. Receipts from Federal candidate committees by any national party committee or federally registered state/local party committee where a purpose has not been provided will be included, with the exception of receipts disclosed on Line 11(c) (Contributions from other political committees). In addition, no notice will be sent if receipts from a federal candidate committee by any national party committee or federally registered state/ local party committee are identified as "transfer", "transfer of excess funds", "excess funds", "excess transfer", "excess campaign funds" or "contribution" on Schedule A.

For new Authorized Committees, no notice will be sent for failure to provide aggregate election cycle-to-date totals on the first report filed.

Assessment of Audit Points:

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[REDACTED] per reporting period will be assessed if a committee does not respond or responds inadequately to an RFAI.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

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Standard 10: Failure to Properly Itemize Contributions and Transfers to Political Committees

(This Standard does not apply to Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent if a report does not properly itemize contributions and transfers to other federal political committees and political party committees for [REDACTED] or more entries, totaling in excess of [REDACTED] per report.

In addition, an RFAI will be sent if a single entry in excess of [REDACTED] is not properly itemized.

An informational paragraph under this Standard will only be sent in cases where an RFAI is being sent on the same report.

An informational paragraph will be sent to a committee that does not provide the election designation for contributions to federal candidate committees when a minimum of [REDACTED] are missing an election designation. Commission Regulations provide the procedure for determining the election to which a contribution should be allocated (11 CFR §110.2(b)(2)(ii)).

Unauthorized Committees

An informational paragraph will be sent if in-kind contributions totaling in excess of [REDACTED] have not been disclosed on the appropriate disbursement schedule with Contributions to Federal Candidates and Other Political Committees (i.e., Line 23 of Schedule B).

Authorized Committees

An informational paragraph will be sent if contributions and transfers to other political committees and political party committees are reported on the wrong line and total in excess of [REDACTED]

Disbursements to national, state and local political parties will be reviewed under this Standard for failure to properly disclose the purpose of any contributions or transfers to national, state or local parties and not under Standard 5 as potential excessive contributions. No notice will be

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sent if disbursements to any national party committee or federally registered state/ local party committee are identified as “transfer”, “transfer of excess funds”, “excess funds”, “excess transfer”, “excess campaign funds” or “contribution” on Schedule B.

Applying This Standard:

Contributions and transfers disclosed on Schedule B must include the committee’s:

- name (**complete** name of committee is required for contributions/transfers to Unauthorized Committees),
- address (see below),
- date,
- amount, and
- purpose (Authorized Committees only)

If the contribution is to a Federal candidate committee, the office sought (if not clearly indicated in the name of the committee), state and district (if applicable) must also be provided.

In determining the adequacy of an address, both of the following items must be supplied:

- The street address, PO Box, or Rural Route #
- The city, state, and zip code.

An entry of “see above”, “see previous”, or ditto marks (“) will not be accepted as an adequate entry.

Unauthorized Committees

The intended recipient of the contribution/transfer must be clear or will be subject to the thresholds for an RFAI.

In-kind contributions made must include:

- the name and address (see above) of the payee,
- the date the in-kind services were provided/payment date,
- the amount/value of the in-kind contribution,
- disclosure of the recipient candidate/committee, including office sought,

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state and district, (if applicable).

Assessment of Audit Points:

██████████ will be assessed per report if a committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

██

Referral to OGC:

██

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Standard 11: Failure to Properly Itemize Disbursements

Notices Sent:

The criteria to be met for sending an RFAI:

a. **Authorized Committees** - An RFAI will be sent for each report that does not properly itemize [REDACTED] of the total entries but not less than [REDACTED] entries on a supporting disbursement schedule;

Authorized Committees - calculated [REDACTED].

Unauthorized Committees - An RFAI will be sent for each report that does not properly itemize [REDACTED] of the total entries but not less than [REDACTED] entries on a supporting disbursement schedule;

b. An RFAI will be sent for failure to properly itemize a single disbursement [REDACTED] in excess of [REDACTED].

c. An RFAI will be sent for failure to properly itemize disbursements, [REDACTED] of entries or [REDACTED] of entries, which aggregate in excess of [REDACTED].

Applying this Standard

For Unauthorized Committees – this review standard applies to federal operating expenditures on Schedule B for Line 21(b) and refunds of contributions on Schedule B for Line 28 and apparent operating expenses disclosed on Line 29

Authorized and Unauthorized Committees

Proper itemization of a disbursement on Schedule B requires:

- a payee's name,
- address (see below),
- the date,
- amount, and
- an adequate purpose of disbursement.

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An individual entry omitting more than one item of information counts as [REDACTED]

for threshold purposes. [REDACTED]
[REDACTED]

Generally, an entry of “see above”, “see previous”, or ditto marks (“”) will not be accepted as an adequate entry. However, if a committee discloses a disbursement to a credit card company, other vendor or individual with a purpose of disbursement of “See Memos”, “See below” “Reimbursement – See Below”, etc. **and** the disbursement is immediately followed by supporting memo entries with adequate purposes, the actual payment disbursement shall not be considered inadequate. This exception applies when the itemized disbursement is directly followed by (in the image view of report as seen on the public record) the memos entries associated with the disbursement, and each contain an adequate purpose of disbursement per Standard 11.

The itemized disbursement and supporting memos should be viewed as one transaction. Therefore, if the committee satisfies requirements for adequacy of purpose on **each** supporting memo entry, then the disbursement of “See Memos”, etc. would be considered adequate for the purpose of Standard 11 review.

In determining the adequacy of a mailing address for disbursements, the following will apply:

- Full name of payee, city, state, and zip code will be considered an adequate address; or
- Full name of payee, street address or PO Box, city, and state will be considered an adequate address.
- No address is required for disbursements to “Postmaster”, “US Postmaster”, “IRS” or “US Treasury.”

Entries that are reported on the wrong line, (i.e. Unauthorized Committees - Federal Operating Expenses on Schedule B for Line 29, Authorized Committees - refunds reported on Schedule B for Line 17 of Form 3 or Line 23 of Form 3P), will be evaluated for adequacy per the line item they should have been reported on.

In determining the adequacy of a purpose, the name of the vendor and purpose always need to be

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reviewed together in order to evaluate its adequacy (i.e. “Supplies” for a disbursement to Staples, Inc. would be adequate while “Supplies” for a disbursement to the committee treasurer or individual would not be adequate).

In general, the following will apply:

a. Examples of adequate purposes can include, but are not limited to “media”, “salary”, “polling”, “travel”, “travel expenses”, “phone banks”, “dinner expense” and “catering cost.” Examples of Election Day get-out-the-vote and voter registration activity can include, but are not limited to “exit polling”, “door-to-door get out the vote”, “get out the vote phone calls”, “driving voters to the polls”, “printing”, “party fees” or “party annual dues” for disbursements to a National Party Committee, and “Consultant – Media”, “Consultant – Fundraising”, “Consultant – Get-Out-The-Vote”, “Consultant – Legal”, “Consultant – Polling” for disbursements to a consultant or a consultant company.

b. Examples of Inadequate Purposes:

(This list is a working document and is not all inclusive.)

1. Administrative Expenses
2. Admin.
3. Advance
4. Benefits *(if to an individual)*
5. Bonus
6. Bounty
7. Campaign Expense
8. Campaign Material
9. Caucus
10. Charges
11. Coalition Building
12. Collateral
13. Collateral Materials
14. Commission
15. Compensation *(other than committee staff)*
16. Constituent Outreach
17. Consultant
18. Consulting
19. Consulting Non-FEA

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20. Consulting - Political
21. Consulting Service
22. Contract
23. Contract Labor
24. Contractual Services
25. Convention Expenses
26. Convention Services
27. Costs
28. Delegate
29. Delegate Expenses
30. Design
31. Discount Fees
32. Election Day Expense
33. Election Night Venue
34. Entertainment
35. Equipment or Equipment Rental (*if to an individual*)
36. Event
37. Event Expense
38. Event Reimbursement
39. Event Supplies (*if to an individual*)
40. Expenses
41. Expense Reimbursement
42. Fees
43. Fundraising (*if to an individual*)
44. Fundraising Event
45. Fundraising Expense (*to an individual*)
46. Fundraising Fees (*if to an individual*)
47. Fundraising Supplies (*to an individual*)
48. General Advice
49. General Consulting
50. Generic Campaign Activity
51. Generic Consulting
52. General GOTV

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53. Get-Out-The-Vote or GOTV
54. Gifts
55. GOTV Expenses
56. GOTV Labor
57. Grassroots Materials
58. In-Kind (*unless an adequate purpose is provided on the Schedule A receipt*)
59. Invoice
60. Issue Advocacy
61. Labor
62. Literature
63. Meeting (*if to an individual*)
64. Meeting Expenses (*to an individual*)
65. Meeting Supplies (*to an individual*)
66. Miscellaneous or Misc.
67. Miscellaneous Expense
68. Office Expense (*if to an individual*)
69. Office Services
70. Office Supplies (*if to an individual*)
71. Operating Expenses
72. Other Expenses
73. Outreach
74. Outside Services
75. Overhead
76. Party Development
77. Production
78. Professional Fees
79. Professional Fees – Consulting
80. Professional Services
81. Promotional Material
82. Publication
83. Push Card
84. Reimbursement
85. Rendered Service
86. Services
87. Services Rendered
88. State Convention

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89. Supplies (*if to an individual*)
90. Technology
91. Transfer (*Cmte Type and relationship with the recipient would determine way to question*)
92. Utilities (*if to an individual*)
93. Voter Bounty
94. Voter Contact
95. Voter Drive
96. Voter ID or Voter Identification
97. Voter Registration
98. Voter Turnout
99. Worker

If a committee files an amendment that discloses additional entries that are missing the address, the purpose, the name of the payee, the amount, and/or the date of the disbursement, the analyst will recalculate the threshold for the entries missing information on both the original report and the amendment. A statement such as "no payee needed to be itemized" will be acceptable.

Petty Cash/Stipend/Per Diem Disbursements

Disbursements made to individuals in excess of \$100 with the purpose of "petty cash disbursement", "stipend", "per diem" or made directly to "petty cash" will be considered inadequate and questioned under this Standard.

Contribution Refunds

Failure to properly itemize, the name, address, date and amount of contribution refunds is covered under this Standard only for refunds for which itemization is required.

Credit card payments/Disbursements to Payroll Companies/Non-Travel Staff Advances or Reimbursements

If the ultimate payee is not identified for a payment to a credit card company, for disbursements to payroll companies or entities acting as payroll companies, or for advances/reimbursements to a committee staff member, the entry disclosing the credit card, payroll or staff advance/reimbursement will be calculated as part of the [REDACTED] but not

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less than [REDACTED] entries criteria (item "a" under Notices Sent). If the threshold for item "a" is not met, the entry will be subject to the threshold for item "b" as well. This will apply to "all purpose" companies such as American Express, Visa, and MasterCard, rather than those of a specific type such as oil companies and department stores.

A committee that does not provide sufficient memo itemization for each credit card disbursement will be subject to the following thresholds for determining adequacy of itemization:

- a. A credit card disbursement will be considered an inadequate entry if the disbursement amount is greater than [REDACTED] and greater than [REDACTED] of that amount is unitemized. Inadequate credit card entries will count toward the [REDACTED] but not less than [REDACTED] entries criteria for Standard 11 (item "a" under "Notices Sent").
- b. An RFAI will be sent for failure to properly itemize a single credit card disbursement if the unitemized portion of the payment is greater than [REDACTED] and the unitemized portion no less than [REDACTED] of the total disbursement amount.

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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[REDACTED]					
[REDACTED]					
[REDACTED]					

Staff Advances or Reimbursements for Travel or Subsistence

For candidate or staff travel and subsistence (food or lodging) advances/reimbursements, any itemized entry in excess of \$500 without proper disclosure of the original vendor (as a memo entry) will be considered inadequate.

In-Kind Contributions

For in-kind contributions, the Schedule A and Schedule B entries for the transaction must be itemized completely on both schedules. If the entry is incomplete on Schedule B, but complete on Schedule A, the lack of information on Schedule B will not be counted toward this threshold.

Debt Payments

This also applies to information disclosed on Schedule D that is incomplete on Schedule B.

Voided/Returned Checks

Schedule B discloses a voided or returned check(s) for an operating expenditure(s) where an adequate explanation has not been provided. (e.g., the check has been reissued, or an adequate reason for the void/return has been provided). A response that indicates service was provided to the Committee without payment will be addressed under Standard 5 as an apparent corporate in-kind receipt.

Authorized Committees

A purpose must be supplied for every entry on Schedule B for Lines 17 and 21 of Form 3 and Lines 23, 25, 26 and 29 of Form 3P. The purpose of disbursement field for Schedule B for all other lines can be left blank, as they are self-explanatory based on the line.

Unauthorized Committees

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Payments for Internal Express Advocacy Communications by SSFs

Separate Segregated Funds disclosing disbursements on Schedule B that appear to be for internal express advocacy communications made to the restricted class will be questioned under this Standard for proper disclosure. Proper disclosure includes:

- the name and address of the payee;
- the date;
- the amount;
- the purpose/type of expense;
- the name of the candidate(s) (including office sought, state and district, if applicable);
and
- a statement that the expense is for an internal communication to the restricted class.

Exempt Activity

Party committees disclosing disbursements on Schedule B that may appear to be exempt but which may not meet one or more criteria to qualify under the exemption, will be questioned in accordance with this standard. However, if the exempt disbursements appear on both Schedules B and H4, or only on Schedule H4, they will be handled under Standard 13.

Examples include, but are not limited to:

- 1) transfers-in from the national committee and subsequent/same day payments for apparent exempt activities
within the same reporting period;
- 2) payments to a direct mail firm for sending campaign materials; and
- 3) paid staff operating phone banks.

When a transfer(s)-in from a national party committee is disclosed, along with same day or subsequent payments for apparent exempt activity, thresholds “a” or “b” under the “Notices Sent” section should be applied if the total amount of the exempt activity is [REDACTED] the amount of the transfer(s)-in disclosed. Where the total amount of the exempt activity is [REDACTED] the transfer(s)-in disclosed, threshold “b” should be applied and the transfer(s)-in amount used.

Non-Party committees that engage in exempt activities will be questioned under this Standard, as

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this type of activity is not permitted by non-party committees. However, if the disbursements appear on both Schedules B and H4, or only Schedule H4, they will be handled under Standard 13.

Excessive coordinated expenditures or in-kind contributions resulting from non-exempt activities will be handled under Standard 5.

Reporting problems, as described under this Standard, that appear on both Schedules B and H4 will be handled in accordance with the thresholds in Standard 13. With the exception of exempt activity, reporting problems that appear on Schedule B for Line 21(b) (not H4) **and also on** Schedule B for Line 30(b), Schedule H6 and/or Schedule L-B will be handled in accordance with the thresholds in Standard 12.

Note: the reporting problems as described under this Standard do not have to be exactly the same on both Schedules in order for this to apply.

Assessment of Audit Points:

██████████ per reporting period will be assessed if the Committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

A referral to ADRO will be made if a committee does not respond or inadequately responds to an RFAI for disbursements with omitted or inadequate information, provided the total amount of the disbursements with the missing or inadequate information is in excess of ██████████ and less than or equal to ██████████ during a reporting period.

Referral to OGC:

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI for disbursements with omitted or inadequate information, provided the total amount of the disbursements with the missing or inadequate information is in excess of ██████████ during a reporting period.

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There will be no referrals made to OGC under this Standard for Title 26 Presidential Committees.

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Standard 12: Federal Election Activity/Levin Funds

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Section A: Transfers-in from a Non-Federal or Levin Account (Schedule H5)

Notices Sent:

An RFAI will be sent when the amount of the activity described below for this section is in excess of [REDACTED]

Applying this Standard:

Section A can include situations where:

- a. The federal account receives excessive transfers-in from its non-federal or Levin account for allocated Federal Election Activity (“FEA”).
- b. The federal account receives transfers-in from its non-federal or Levin account for allocated FEA outside of the 70-day window.¹⁹

For items “a” and “b”, Line 18(b), Column A will be checked against Line 30(a)(ii), Column A for each report in order to assess whether the transfers-in for allocated federal election activity were timely or excessive.

If Line 18(b) is greater than Line 30(a)(ii), the analyst will review Schedule H5 for transfers-in disclosed during the last 10 days of the reporting period and subtract the amount of these transfers from Line 18(b).

If the amount on Line 18(b) still exceeds Line 30(a)(ii), the amount in excess will be applied towards the RFAI threshold.

Note: This formula will be calculated based on the combined activity for every [REDACTED], beginning with the [REDACTED] Monthly Report. During an election year, the formula will also be applied to the combined activity on the [REDACTED]

¹⁹ An Informational Notice will be sent the first time in the cycle where a definitive determination is made that the committee received transfers-in outside of the 70-day window.

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██████████ Reports.

- c. On the first report that a Schedule H5 or L is filed, it is not clear whether the committee is using a separate Levin account or an account that functions as both a non-federal and a Levin account for FEA.²⁰
- d. The federal account receives transfers-in from its non-federal or Levin account for activity on Schedule H6 that does not meet the definition of allocable FEA as explained in 11 CFR 300.33 (Examples include payments for salary and/or wages, apparent FEA public communications defined in 11 CFR 100.26, non-allocable fundraising costs for FEA, 100% Levin activity; contributions to federal or non-federal candidates; transfers or contributions to other federal or non-federal committees).
- e. The federal account discloses debts owed to the non-federal or Levin account for federal election activity that should have been paid by the federal account as an allocated FEA; the federal account reimburses the non-federal or Levin account for activity that should have been paid by the federal account as an allocated FEA; or the federal account makes a transfer to the non-federal or Levin account without providing an adequate purpose.
- f. Schedule H6 discloses voided or returned checks where the federal portion has not been accounted for (i.e., reissued check) or an adequate reason for the void/return has not been provided in order to avoid the acceptance of a corporate in-kind contribution (i.e., service provided without payment), and/or there does not appear to be a transfer-out to remedy the apparent overpayment from the non-federal or Levin account.
- g. Schedule B for Line 30(b) discloses voided or returned check(s) for FEA. In addition, it does not appear that the check has been reissued, or that an adequate

²⁰ If it appears that the committee is using an account that functions as both a non-federal and a Levin account, the committee will be questioned on whether they are using a reasonable accounting method approved by the Commission.

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reason for the void/return has been provided in order to avoid the acceptance of a corporate in-kind contribution (i.e., service provided without payment).

- h. The federal account discloses refunds/rebates for allocated FEA on Schedule A without transferring-out the Levin share of the refund/rebate to the non-federal or Levin account.
- i. Schedule L-A discloses the apparent receipt of more than [REDACTED] in Levin funds from any person in a calendar year (separate limits apply for affiliated committees).
- j. Schedule H6 discloses allocated Fundraising payments for FEA.
- k. Schedule L-A discloses transfers-in from a national, state, district and/or local party committee, a federal candidate and/or a federal officeholder.
- l. Schedule H6 discloses apparent exempt activity which may also qualify as an FEA Public Communication.
- m. Schedule L-B discloses Voter Registration, GOTV, Generic Campaign or Voter Identification activity within FEA timeframes which appear to be paid for with 100% Levin funds.

Assessment of Audit Points for Section A:

[REDACTED] per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI. A response that adequately refutes the existence of a violation will not count toward the audit point threshold.

Referral to ADRO for Section A:

[REDACTED]

Referral to OGC for Section A:

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A referral to OGC will be made if a committee does not respond or inadequately responds and the amount of the apparent prohibited and/or impermissible activity is in excess of [REDACTED] and exceeds [REDACTED] of the total disbursements for the reporting period (Line 31).

A response that adequately refutes the existence of a violation will not count toward the audit point or OGC referral thresholds.

Section B: Reporting Problems (Schedules B, H1, H5, H6, L, L-A and L-B)

Notices Sent:

The criteria to be met for sending an RFAI:

- a. An RFAI will be sent for omitted or insufficient Schedules H1, H5, H6, L, L-A (for Lines 1(a) and 2) and/or L-B (for Lines 4(a) – (d)), regardless of the amount;
- b. An RFAI will be sent for an omitted Schedule L-B for Line 5 and/or Schedule B for Line 30(b) when the amount disclosed on Column A of the Line is in excess of [REDACTED] and no Schedule is provided;
- c. An RFAI will be sent for any reporting problems or discrepancies that appear on Schedule H1, regardless of the amount;
- d. An RFAI will be sent for any reporting problems or discrepancies (see examples below) that appear on Schedules H5, H6, L, L-A, L-B and/or B for Line 30(b), and/or for any improperly disclosed Federal Election Activity for entries totaling in excess of [REDACTED] (this includes apparent disbursements for FEA Public Communications on Schedule H4);
- e. An RFAI will be sent when an amendment(s) filed more than [REDACTED] days after the filing date of the original report (whether in response to an RFAI or voluntarily), discloses additional Levin fund activity of at least [REDACTED] of the receipts or disbursements, whichever is appropriate, and in excess of [REDACTED] (this does not apply to an amendment(s) filed prior to the due date of the original report);

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- f. An RFAI will be sent when an amendment filed more than [REDACTED] days after the filing date of the original report (whether in response to an RFAI or voluntarily), discloses a decrease in Levin Fund activity where the deleted activity is at least [REDACTED] of the receipts or disbursements, whichever is appropriate, and exceeds [REDACTED] and no explanation has been provided;
- g. An RFAI will be sent when no salary or wages are disclosed on Schedule B for Line 30(b) and the total disbursed during the reporting period is in excess of [REDACTED]. This assessment will not be made until the first FEA time period has begun for each State (including Special elections) and will be based on the activity of [REDACTED] reports filed, beginning with the [REDACTED] Monthly Report during the election year. The assessment for the last [REDACTED] of the election year will be based on the combined activity on the [REDACTED] Reports.
- h. An RFAI will be sent for failure to disclose on Schedule L-A the name, address, date of receipt, amount, aggregate year-to-date total, occupation and/or name of employer or principal place of business for [REDACTED] but not less than [REDACTED] entries per report.
- i. An RFAI will be sent to a Quarterly filer when Federal Election Activity totaling in excess of [REDACTED] for the calendar year is disclosed. This includes activity on Schedule B for Line 30(b) (Federal Election Activity Paid with 100% Federal Funds), Schedule E (Independent Expenditures), Schedule F (Coordinated Expenditures²¹), Schedule H6 (Allocated Federal Election Activity), Schedule L-A (Levin Receipts) and Schedule L-B (Levin Disbursements). The committee's filing frequency will be changed to "Monthly" in the database and notification of the change in filing frequency (MS-O) sent to the Committee.²²
- j. An Informational Paragraph will be sent when Schedule B for Line 21(b) discloses Voter Registration activity during the 120 days before a regularly scheduled federal election

²¹ For apparent Public Communications only.

²² A referral to OGC threshold has been established for this issue under Standard 4 (see the "OGC Referral" section).

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through the day of that election, which would be considered FEA.

- k. An Informational Paragraph will be sent when Schedule B for Line 21(b) discloses Voter Identification, Generic Campaign and/or GOTV activities conducted in connection with an election in which one or more candidates for federal office appear on the ballot.

Applying this Standard:

Examples of reporting problems and discrepancies include, but are not limited to, the following:

Schedule H1:

- 1) Omitted (not provided for Special Elections, otherwise handle under Standard 13B);
- 2) Percentage not checked or inaccurate;
- 3) More than one fixed percentage checked;
- 4) Method of allocation incorrect.

Schedule H5:

- 1) Omitted or the sum of entries do not equal Line 18(b) of the Detailed Summary Page;
- 2) Name of account, date of receipt, total amount transferred not provided;
- 3) Breakdown of transfer by type of allocated activity not provided.

Schedule H6:

- 1) Omitted or the sum of the entries do not equal Lines 30(a)(i) and 30(a)(ii) of the Detailed Summary Page;
- 2) Omitted payee's name, address, date, federal share, Levin share, and/or total amount;
- 3) Type of allocated activity or event not checked or unclear;
- 4) Allocated Activity or Event year-to-date totals are omitted, incorrect or a grand total for each activity/event for the period is not present. A year-to-date total that is cumulative for each activity/event is acceptable as is a year-to-date total that represents the total spent, per activity or event, for the calendar year;
- 5) Purpose of disbursement omitted or inadequate (see chart of inadequate purposes under Standard 11);
- 6) Apparent FEA public communication disbursements requiring disclosure on Schedule B for Line 30(b) where the candidate identification and/or attribution is missing (also when

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disclosed on Schedule H4);

- 7) Apparent exempt activity disclosed which may also qualify as an FEA Public Communication where the candidate identification and/or attribution is missing (also when disclosed on Schedule H4);
- 8) The ultimate payee is not identified for a payment to a credit card company, for disbursements to payroll companies, or for advances/reimbursements to a committee staff member; and
- 9) Disbursements made to individuals in excess of \$100 with the purpose of “petty cash disbursement”, “stipend”, “per diem” or made directly to “petty cash”

Schedule B for Line 30(b):

- 1) Omitted payee’s name, address, date and/or amount;
- 2) Purpose of disbursement omitted or inadequate;
- 3) Omitted candidate identification and/or attribution for apparent FEA public communication disbursements (also when disclosed on H4);
- 4) Apparent exempt activity disclosed which may also qualify as an FEA Public Communication where the candidate identification and/or attribution is missing;
- 5) The ultimate payee is not identified for a payment to a credit card company, for disbursements to payroll companies, or for advances/reimbursements to a committee staff member; and
- 6) Disbursements made to individuals in excess of \$100 with the purpose of “petty cash disbursement”, “stipend”, “per diem” or made directly to “petty cash”

Schedule L:

- 1) Name of account omitted;
- 2) Column A and/or B totals omitted or incorrect;
- 3) Schedules total more than Line number on Schedule L.

Schedule L-A:

Omitted name, address, date of receipt, amount of receipt, aggregate year-to-date total, occupation and/or name of employer or principal place of business.

Schedule L-B:

Omitted name, address, date of disbursement, amount for Lines 4 and 5, and/or purpose of

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discrepancies will not be included.

A referral to ADRO will be made if a committee does not respond or inadequately responds to an RFAI for no salary payments on Schedule B for Line 30(b) when the total disbursements (Line 31) aggregate in excess of [REDACTED] and is less than or equal to [REDACTED] per [REDACTED] report or [REDACTED] reports.

A referral will be made to ADRO if a committee files an amendment(s) [REDACTED] or more days after the filing date of the original report, which discloses an increase or decrease in Levin fund receipts or disbursements of [REDACTED] or more and:

- For Election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED] (includes October Quarterly, October Monthly and Pre-election reports for primary, general, runoff and special elections).
- For Non-election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED]

A referral may also be made to ADRO if the increase or decrease in activity is [REDACTED] or more and is in excess of [REDACTED] for election sensitive reports, and in excess of [REDACTED] for non-election sensitive reports, and the matter has been subject to the OGC Review and Concurrence Process.

Referral to OGC Section B:

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI and the total of all omitted schedules under this section exceeds [REDACTED] per report.

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI and there are in excess of [REDACTED] in reporting problems and discrepancies during a reporting period (see examples above). Mathematical discrepancies will not be included.

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI for no salary payments on Schedule B for Line 30(b) when the total disbursements

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(Line 31) aggregate in excess of [REDACTED] ^{SENSITIVE} per [REDACTED] report or [REDACTED]
[REDACTED] reports.

Additionally, a referral will be made to OGC if a committee files an amendment(s) [REDACTED] or more days after the filing date of the original report, which discloses an increase or decrease in Levin fund receipts or disbursements of [REDACTED] or more and, for election sensitive reports, is in excess of [REDACTED] and for non-election sensitive reports, is in excess of [REDACTED] when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

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Standard 13: Allocated Federal and Non-Federal Activity

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Section A: Transfers-in from the Non-Federal Account (Schedule H3)

Notices Sent:

An RFAI will be sent when the amount of the activity described below for this section is in excess of [REDACTED]

Applying this Standard:

Section A addresses situations where:

- a. The federal account receives excessive transfers-in from its non-federal account for allocated activity.
- b. The federal account receives transfers-in from its non-federal account for allocated activity outside of the 70-day window²³.

For items “a” and “b”, Line 18(a), Column A will be checked against Line 21(a)(ii), Column A for each report in order to assess whether the transfers-in were timely or excessive for expenses in the following categories: Administrative, Generic Voter Drive, and Exempt activities. The analyst should:

- 1) Review Schedule H3 for transfers-in disclosed during the last 10 days of the reporting period and subtract the amount of these transfers from Line 18(a); and
- 2) Subtract any transfers for Fundraising and Direct Candidate Support activities that occur within the 70-day window from the Line 18(a) total; and
- 3) Subtract the non-federal share of any disbursements for Fundraising and Direct

²³ An Informational Notice will be sent the first time in the cycle where a definitive determination is made that the committee received transfers-in outside of the 70-day window.

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Candidate Support disclosed on Schedule H4 from the Line 21(a)(ii) total.

If the amount on Line 18(a) exceeds Line 21(a)(ii), the amount in excess will
be applied towards the RFAI threshold.

Note: For Quarterly filers, this formula will be calculated [REDACTED] except that
during an election year, the formula will be applied to the combined activity on the
[REDACTED] Reports.

For Monthly filers, this formula will be calculated based on the combined activity for
every [REDACTED] reports filed, beginning with the [REDACTED] Monthly Report.
During an election year, the formula will also be applied to the combined activity on
the [REDACTED] Reports.

- c. Schedule H4 discloses activity that does not meet the definition of allocable activity as explained in 11 CFR §§ 106.6 and 106.7 for which a transfer-in from a non-federal account may have occurred. (Examples include payments for 100% federal activity and payments for 100% non-federal activity; contributions to federal or non-federal candidates; transfers or contributions to other federal or non-federal committees; payments for salary and/or wages for State, District and Local Party Committees, apparent payments for FEA public communications as defined in 11 CFR §100.26).
- d. The federal account discloses debts owed to the non-federal account for activity that should have been paid by the federal account as an allocable activity; the federal account reimburses the non-federal account for activity that should have been paid by the federal account as an allocable activity; or the federal account makes a transfer to the non-federal account without providing an adequate purpose.
- e. Schedule H4 discloses voided or returned checks where the federal portion has not been accounted for (i.e., reissued check) or an adequate reason for the void/return has not been provided in order to avoid the acceptance of a corporate in-kind contribution (i.e., service provided without payment), and/or there does not appear to

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be a transfer-out to remedy the apparent overpayment from the non-federal account.

- f. The federal account discloses refunds/rebates for allocable expenses on Schedule A without transferring-out the non-federal portion of the refund/rebate to the non-federal account.
- g. For State, District & Local Party Committees, when Schedule H4 discloses Voter Registration activity during the 120 days before a regularly scheduled federal election through the day of that election, which would be considered FEA.
- h. For State, District & Local Party Committees, when Schedule H4 discloses Voter Identification, Generic Campaign and/or GOTV activities conducted in connection with an election in which one or more candidates for federal office appear on the ballot.
- i. For State, District & Local Party Committees, when Schedule H4 discloses apparent exempt activity which may also qualify as an FEA Public Communication.

Assessment of Audit Points for Section A:

[REDACTED] per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI. A response that adequately refutes the existence of a violation will not count toward the audit point threshold.

Referral to ADRO for Section A:

[REDACTED]

Referral to OGC for Section A:

A referral to OGC will be made if a committee does not respond or inadequately responds and the amount of the apparent prohibited and/or impermissible activity exceeds [REDACTED]

[REDACTED]

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A response that adequately refutes the existence of a violation will not count toward the audit point or OGC referral thresholds.

Section B: Reporting Problems (Schedules H1, H2, H3 and H4)

Notices Sent:

The criteria to be met for sending an RFAI:

- a. An RFAI will be sent for omitted or insufficient Schedules H1, H2, H3 and/or H4, regardless of the amount;
- b. An RFAI will be sent for any reporting problems or discrepancies which appear on Schedules H1 and/or H2, regardless of the amount;
- c. An RFAI will be sent for any reporting problems or discrepancies that appear on Schedules H3 and/or H4 for entries totaling in excess of [REDACTED]; and/or
- c. No/Limited administrative expenses disclosed by party committees and the total disbursed during the reporting period is in excess of [REDACTED]. For Monthly filers, assessment is based on the combined activity of [REDACTED] reports filed, beginning with the [REDACTED] Monthly Report. During an election year, the assessment will be based on the combined activity on the [REDACTED] Reports.

Examples of reporting problems and discrepancies include, but are not limited to, the following:

Schedule H1:

- 1) Omitted;
- 2) For PACs, inaccurate percentage figures entered in box;
- 3) For PACs, at least one "ratio applies to" box has not been checked;
- 4) For State, District and Local Party Committees, more than one fixed percentage checked or no fixed percentage checked;

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- 5) For State, District and Local Party Committees, method of allocation incorrect; or
- 6) For State, District & Local Party Committees, the fixed percentage selected does not accurately reflect whether the committee has a Presidential and/or Senate candidate on the next regular General election ballot.

If a Nonconnected Committee or a Separate Segregated Fund chooses to allocate Administrative expenses, Voter Drive expenses and/or Public Communications Referencing a Party Only, a Schedule H1 must be filed with each report where Schedule H4 reflects payments for Administrative expenses, Voter Drive expenses and/or Public Communications Referencing a Party Only. Further, separate H1's must be filed if a different ratio is used for one or more of the categories.

A Schedule H1 must be filed by State, District and Local Party Committees with the first report filed each year that discloses an allocable expense.

Schedule H2:

- 1) Omitted;
- 2) Type of activity omitted, unclear or does not correspond with Schedule H3 or H4;
- 3) Activity or Event Identifier omitted or unclear;
- 4) Percentages omitted or, if listed, do not equal 100%;
- 5) Ratio box not checked, and the percentage differs from that previously reported; or
- 6) Event date omitted for revised ratio.

Schedule H3:

- 1) Omitted or the sum of entries do not equal Line 18(a) of the Detailed Summary Page;
- 2) Name of account, date of receipt, total amount transferred not provided or unclear;
- 3) Breakdown of transfer by category not provided; or
- 4) Activity or Event Identifier omitted, unclear or does not correspond with Schedule H2 or H4.

Schedule H4:

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- 1) Omitted or the sum of the entries do not equal Lines 21(a)(i) and 21(a)(ii) of the Detailed Summary Page;
- 2) Omitted payee's name and/or address, date, federal and/or non-federal share, and/or total amount;
- 3) Type of allocated activity or event not checked or unclear;
- 4) Activity or Event Identifier omitted or unclear;
- 5) Allocated Activity or Event year-to-date totals are omitted, incorrect or a grand total for each activity/event for the period is not present. A year-to-date total that is cumulative for each activity/event is acceptable as is a year-to-date total that represents the total spent, per activity or event, for the calendar year.
- 6) Purpose of disbursement omitted or inadequate (see examples of inadequate purposes under Standard 11);
- 7) Possible candidate fundraising expenses not allocated to candidates;
- 8) Activity categorized as "exempt" or that appears to be "exempt" but which may not qualify under the exemption (see below);
- 9) The ultimate payee is not identified for a payment to a credit card company, for disbursements to payroll companies, or for advances/reimbursements to a committee staff member; and
- 10) Disbursements made to individuals in excess of \$100 with the purpose of "petty cash disbursement", "stipend", "per diem" or made directly to "petty cash."

Exempt Activity

Party committees disclosing disbursements on Schedule H4 that may appear to be exempt but which may not meet one or more criteria to qualify under the exemption, will be questioned in accordance with this standard. If the exempt disbursements appear on both Schedules B and H4 they will be handled under this Standard as well.

Examples include, but are not limited to:

- a) transfers-in from the national committee and subsequent/same day payments for apparent exempt activities within the same reporting period;
- b) payments to a direct mail firm for sending campaign materials; and
- c) paid staff operating Presidential and Vice Presidential nominee phone banks.

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Non-Party committees that engage in exempt activities will be questioned under Standard 11 if the disbursements appear on Schedule B only, as this type of activity is not permitted by non-party committees. However, if the disbursements appear on both Schedules B and H4, or only Schedule H4, they will be handled under this Standard.

In determining the adequacy of a mailing address for disbursements, the criteria under Standard 11 will apply.

National Party Committees that appear to be in violation of 11 CFR §§ 300.10, 300.11 300.12 and 300.13 will be handled under Standard 30.

Assessment of Audit Points for Section B:

██████████ per reporting period will be assessed if the committee does not respond or inadequately responds to an RFAI.

Referral to ADRO for Section B:

A referral to ADRO will be made when a committee does not respond or inadequately responds to an RFAI and the total of all omitted schedules exceeds ██████████ and is less than or equal to ██████████ per report. A referral to ADRO may be made if the total of all omitted schedules exceeds ██████████ per report and the matter has been subject to the OGC Review and Concurrence Process.

A referral to ADRO will be made if a committee does not respond or inadequately responds to an RFAI and the total of all reporting problems and discrepancies exceeds ██████████ and is less than or equal to ██████████ during a reporting period (see examples above). Mathematical discrepancies will not be included.

A referral to ADRO will be made if a party committee does not respond or inadequately responds to an RFAI for no/limited administrative expenses when the total disbursements aggregate in excess of ██████████ and less than or equal to ██████████ per ██████████ report or combined activity of ██████████ Reports.

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Referral to OGC for Section B:

A referral to OGC will be made when a committee does not respond or inadequately responds to an RFAI and the total of all omitted schedules exceeds [REDACTED] per report and when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI and there are in excess of [REDACTED] in reporting problems and discrepancies during a reporting period (see examples above). Mathematical discrepancies will not be included.

A referral to OGC will be made if a party committee does not respond or inadequately responds to an RFAI for no/limited administrative expenses and the total disbursements aggregate in excess of [REDACTED] per [REDACTED] report or combined activity of [REDACTED] reports.

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Standard 14: Independent Expenditure Reporting Problems

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent for failure to properly disclose an aggregate amount in excess of [REDACTED] in independent expenditures on Schedule E during a reporting period or on an FEC Form 5.

An RFAI will be sent for failure to provide a Schedule 5-A when contributions disclosed on Line 6 of FEC Form 5 exceed [REDACTED] and no contributions are itemized on a Schedule 5-A (or no Schedule 5-A is provided).

An RFAI will be sent for failure to provide a Schedule 5-E when independent expenditures disclosed on Line 7 of FEC Form 5 exceed [REDACTED] and no expenditures are itemized on Schedule 5-E (or no Schedule 5-E is provided).

An RFAI will be sent if [REDACTED] in independent expenditures have been disclosed on line 7 of Form 5 and no contributions or contributor information has been reported on line 6.

Applying this Standard

Proper disclosure requires:

- the payee's name and address;
- an adequate purpose (see examples under Standard 11);
- the date;
- the amount;
- identification of a candidate,
- an indication of whether the candidate is supported or opposed;
- the office sought, state and district (if applicable) for each federal candidate;
- the calendar year-to-date total, per election, per office sought;
- an election designation; and
- the signature of the treasurer.

24 and 48-Hour Notices for independent expenditures will be reviewed under this Standard for

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proper disclosure of the above information.

Date, amount and/or vendor discrepancies between the entries disclosed on the 24/48-Hour Notices filed and the entries disclosed on Schedule E will be addressed under this Standard.

Independent expenditures disclosed after the applicable election will be addressed under this Standard.

It will be considered acceptable if a committee discloses non-communication items (such as food, lodging or salary) as the purpose for an independent expenditure.

Failure to file or timely file 24 and 48- Hour Notices will be handled under Standard 7.

Discrepancies relating to the Calendar Year-To-Date, Per Election, for Office Sought Total on Schedule E will be handled under Standard 6 (Mathematical Discrepancies).

Assessment of Audit Points:

██████████ per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

A referral to ADRO will be made if a committee does not respond or inadequately responds to an RFAI and the independent expenditures incorrectly reported on Schedule E aggregate in excess of ██████████ in a ██████████ and do not meet the OGC referral threshold.

Referral to OGC:

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI and the independent expenditures incorrectly reported on Schedule E aggregate in excess of ██████████ in a ██████████.

If a response reveals that the activity does not meet the definition of an independent expenditure, the matter will be handled according to Standard 5.

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Standard 15: Coordinated Party Expenditure Reporting Problems

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent for failure to properly disclose an aggregate amount in excess of [REDACTED] in coordinated party expenditures on Schedule F during a reporting period.

Applying this Standard:

Proper disclosure requires:

- the identification of the authorizing committee;
- the payee's name and address;
- an adequate purpose (see examples under Standard 11);
- the date of the 441a(d) expenditure;
- the amount;
- the aggregate general election expenditure total;
- the identification of the candidate supported, and
- the office sought, state and district (if applicable).

Discrepancies with Aggregate General Election Expenditure totals on Schedule F will be handled under Standard 6 (Mathematical Discrepancies).

Coordinated party expenditures disclosed after the General election will be handled under this Standard.

Assessment of Audit Points:

[REDACTED] per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

A referral to ADRO will be made if a committee does not respond or inadequately responds to an RFAI and the coordinated party expenditures incorrectly reported aggregate in excess of [REDACTED] in a [REDACTED] and do not meet the OGC referral threshold.

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Referral to OGC:

A referral to OGC will be made if a committee does not respond or inadequately responds to an RFAI and the coordinated party expenditures incorrectly reported aggregate in excess of [REDACTED] in a [REDACTED]

If a response reveals that the activity does not meet the definition of a coordinated expenditure, the matter will be handled according to Standard 5.

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SENSITIVE

Standard 16: Failure to Properly Itemize Loans

Notices Sent/Applying this Standard:

An RFAI will be sent for failure to properly itemize loans when the original amount of a single loan is in excess of [REDACTED] or when single loans from the same source of less than or equal to [REDACTED] aggregate in excess of [REDACTED] per report.

Proper itemization of a loan includes:

- the name and mailing address of the person making or receiving a loan;
- the original amount of the loan;
- the cumulative payments to date;
- the outstanding balance at close of the period;
- the date the loan was incurred (mm/dd/yr);
- the date the loan is due (or amortization schedule);
- the interest rate;
- A Schedule C-1 and loan agreement, if loan is from a lending institution;
- Authorized Committees only – A Schedule C-1 if the loan or contribution is from the candidate and was derived from a bank loan, or an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit. If the loan or line of credit was obtained using collateral, this information along with whether the lender has perfected security in the collateral, should be included on the C-1.

An RFAI will be sent requesting the status (e.g., overdue, refinancing) of a single loan (for Authorized Committees not including personal funds), in excess of [REDACTED].

An RFAI will be sent if loans from lending institutions are combined into a single figure.

If the committee has an outstanding loan from a lending institution and discloses no interest payments per the loan agreement, nor carries the interest payments as debts, it will be handled under Standard 5.

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Loans to the Committee from a Lending Institution

- An RFAI will be sent for failure to provide a Schedule C-1 and a copy of the loan agreement for each new or restructured loan, extension of line of credit or draw on line of credit in excess of [REDACTED]. To be considered acceptable, a C-1 must be signed by an official of the lending institution.
- An RFAI will be sent for failure to supply a copy of the loan agreement for a single loan from a lending institution in excess of [REDACTED].
- For electronic filers, any report submitted that should contain a Schedule C-1, must include a Schedule C-1 without the original signatures. In addition, at the same time a committee submits its report electronically, it must mail in a copy of the loan agreement and a separate copy of the Schedule C-1 containing the original signatures.

An informational paragraph under this Standard will only be sent in cases where an RFAI is being sent on the same report.

An informational paragraph will be sent when interest payments are included with the principal payments shown on Schedule B.

[REDACTED] for failure to disclose the amount guaranteed outstanding. Commission regulations specify the procedure for allocating such amounts. (See 11 CFR §100.7(b)(11)).

No notice will be sent for failure to check the box indicating whether the loan was secured.

Mathematical discrepancies relating to calculations within Schedule C will be handled under Standard 6. Omitted loans and loan balance discrepancies between reports will be handled under Standard 7.

The only information required for endorsers or guarantors of a loan on Schedule C is the full name of the individual. Failure to provide the other necessary disclosure information (e.g.,

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complete mailing address, occupation, name of employer) will be considered under Standard 8 (Failure to Properly Itemize Contributions from Individuals). This will apply only to endorsers or guarantors where the amount guaranteed exceeds \$200. Such contributions will be added to the percentage and number of entries under Standard 8.

Authorized Committees

An RFAI will be sent for failure to clarify the source (i.e., “personal funds”, “candidate bank loan”, “candidate brokerage account”, etc...) of a single loan reported as from the candidate in excess of [REDACTED] or when single loans from the same source of less than [REDACTED] aggregate in excess of [REDACTED] per report.

For committees not active in the current or future election cycles and whose report discloses zero (0) activity, [REDACTED] regarding their failure to provide the terms of a loan that had been previously reported.

An RFAI will be sent to clarify “loan source” discrepancies for missing, inadequate or unclear information provided on Schedules C or C-1.

An RFAI (w/ [REDACTED]) will be sent when a committee does not convert a candidate loan amount(s) in excess of \$250,000 to contributions, when the loan(s) remains unpaid 20 days after the applicable election to which the loan(s) was designated for. The amount greater than \$250,000 must be in excess of [REDACTED] to receive an RFAI. If the amounts of loan repayments to the candidate exceed \$250,000, the situation will be handled under Standard 26. The RFAI should include an informational paragraph explaining how to report the conversion of a candidate loan in excess to contributions to avoid the committee inflating its cash on hand.

An informational paragraph will be sent requesting the status of an overdue loan in excess of [REDACTED] from the candidate's personal funds, or a loan from the candidate derived from a bank, or an advance on the candidate's brokerage account, credit card, home equity loan, or other line of credit.

An informational paragraph will be sent when the committee has an outstanding candidate loan

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derived from the candidate's personal funds, a bank, or an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit due with interest, and discloses no interest payments to the candidate nor carries the interest as a debt. The notice will remind the committee to report interest payments on Schedule B, Line 17.

A notice will not be sent if loans from a candidate's personal funds are combined into a single figure, provided all of the terms of the loans are the same.

If the terms of a personal funds loan from a candidate were previously provided, but are missing on subsequent reports within the election cycle, [REDACTED] [REDACTED] Questionable loan situations will be brought to the attention of management for further guidance.

Normally, an RFAI or informational paragraph will not be sent for any loan(s) where the loan was paid back in full within [REDACTED] days of the incurred date.

Assessment of Audit Points:

[REDACTED] per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI.

When a committee initially reports a loan in excess of [REDACTED] and it is missing the source and/or terms, an RFAI will be sent and an audit point is assigned if the committee does not respond in time or responds inadequately. If the information is never provided, and in subsequent reports the terms and/or source is still not provided, an RFAI will again be sent on each report, but [REDACTED] will be assigned. [REDACTED]
[REDACTED]

Referral to ADRO:

A referral to ADRO may be made if a committee does not respond or inadequately responds to an RFAI and the original amount of a single loan (whether from personal funds, bank loan etc.) incorrectly reported exceeds [REDACTED] per report and the matter has been subject to the OGC Review and Concurrence Process. There will be no referrals made to ADRO under this standard for Title 26 Presidential Committees.

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Referral to OGC:

Referrals will be handled by OGC for the apparent violations noted above in “Referral to ADRO” when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

There will be no referrals made to OGC under this Standard for Title 26 Presidential Committees.

Authorized Committees

Committees not active in the current or future election cycle will not be referred to either ADRO or OGC for failure to provide the terms of an outstanding loan that had previously been reported in an earlier report.

████████████████████ will be made when a committee does not provide an interest rate or due date for a candidate loan unless the loan is being paid back with interest to the candidate.

████████████████████ will be made when a committee does not convert the amount of a candidate loan(s) greater than \$250,000 to a contribution from the candidate.

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Standard 17: Failure to Properly Itemize Debts

Notices Sent:

An RFAI will be sent for failure to properly itemize debts when the aggregate amount of the outstanding ending balance is in excess of [REDACTED] per report.

Applying this Standard:

Proper itemization includes:

- the full name and address of each creditor or debtor;
- the purpose;
- the outstanding balance at the beginning of the period;
- amount(s) of debt incurred this period;
- payment(s) this period; and
- the outstanding balance at close of period.

The adequacy of the address will be determined using the criteria set forth in Standard 11.

Mathematical discrepancies relating to calculations within Schedule D will be handled under Standard 6. Omitted debts and debt balance discrepancies between reports will be handled under Standard 7.

If the committee discloses disputed debts, it must show any amounts paid to the creditor, any amount the committee admits it owed, and the amount the creditor states the committee owes. The disputed debts must be disclosed on every report until the dispute is settled.

Assessment of Audit Points:

[REDACTED] per reporting period will be assessed if a committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

[REDACTED]

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Referral to OGC:



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Standard 18: Failure to Clarify Public Communication Expenses

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent:

An Informational paragraph will be included in an RFAI already being sent for another issue, if Schedule B for Line 21(b) discloses an aggregate in excess of [REDACTED] in apparent public communication expenses (e.g., television, radio, and newspaper) for clarification on possible federal candidate reference.

Audit Point Assessment:

[REDACTED] will be assessed under this Standard.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

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Standard 19: Debt Settlement Plans

(This Standard does not apply to Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent by the reviewing branches (Authorized and Party/Non-Party) if a committee extinguishes debts on a report which result in possible prohibited contributions, and a Debt Settlement Plan is required but not filed. A Debt Settlement Plan will not be required in instances where the committee states that a creditor has gone bankrupt or has moved and cannot be reached. The Compliance Branch will send an Acknowledgment of Receipt (MS-B) letter for all Debt Settlement Plans (DSPs) received by the Agency. The MS-B will inform the committee that it must continue to report all debts until the committee is notified that the Commission has completed its review of the debt settlement plan. A RFAI letter will also be sent as explained under *Applying this Standard*.

Applying this Standard:

Pursuant to 2 U.S.C 434(b)(8) a political committee must report "... the amount and nature of outstanding debts and obligations owed by or to such political committees; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefore." 11 C.F.R Part 116 entitled "Debts Owed by Candidates and Political Committees" sets forth requirements and procedures for implementing the statute. Debts discharged through bankruptcy proceedings are not included in the following referral thresholds.

When a Debt Settlement Plan is filed and includes debts totaling in excess of [REDACTED], an RFAI (MS-C) will be sent if:

- a. Parts I, II and/or III are omitted, or any information in Parts I, II, and/or III are omitted
- b. There are discrepancies or omissions unique to the Debt Settlement Plan concerning the terms of the settlement (e.g., missing creditor signature, failure to provide the terms of the initial extension of credit or a discrepancy in the amount paid in settlement in Part I and amount paid in Part II),
- c. There are discrepancies between the amounts reported on the Debt Settlement Plan and the committee's most recently filed report which result in mathematical errors

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or missing schedules (see Standards 6 and 7), or

- d. There are discrepancies within previous reports filed by the committee concerning the debts attempting to be settled. Generally, the thresholds in Standards 6 and 7 will apply; however, if the amount of the discrepancy does not meet the applicable threshold, but resolution of the discrepancy is necessary to proceed with review of the Debt Settlement Plan, an RFAI will be sent.

Disputed Debts

Per 11 CFR 116.7(c)(2), "Disputed debts are not subject to the debt settlement and Commission review requirements and procedures. (See CFR 116.10)." Per 11 CFR 116.10(b), "If a terminating committee and a creditor have been unable to resolve a disputed debt, and the terminating committee files a debt settlement plan covering other debts or other creditors, the terminating committee shall include in the debt settlement plan a brief description as to the nature of the dispute and the status of the terminating committee's efforts to resolve the dispute. The debt settlement plan need not include a signed affidavit from the creditor involved in the dispute pursuant to 11 CFR 116.7(e)(2)."

In accordance with the above regulations, a debt settlement plan cannot be accepted in regard to disputed debts. For instance, if all of the committee's debts are disputed, the committee should not file a debt settlement plan. If they do, RAD has to reject such a plan per 11 CFR 116.7(c)(2).

However, the committee with disputed debts can file a debt settlement plan to settle other, non-disputed debts. Such a plan would list debts that are not in dispute and also list the disputed debts, describing the nature of the dispute and the status of the committee's efforts to resolve it. The disputed debts would be listed for the Commission's information, while the other, non-disputed debts would be subject to settlement.

Assessment of Audit Points:

██████████ will be assessed under this Standard.

Referral to ADRO:

██

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Referral to OGC:

General

An OGC referral will be made for failure to file a Debt Settlement Plan if it appears the committee is settling debts for less than the amount due, and the amount of all outstanding debts (excluding loans from the candidate's personal funds for Authorized Committees) meets the OGC referral threshold for Standard 5. For authorized committees, debts owed to the candidate, loans to the committee from the candidate's personal funds and debts discharged through bankruptcy proceedings are not included in threshold amounts. OGC will review all submitted DSP referrals and then forward its analysis and recommendations to the Commission. All other referrals of Debt Settlement Plans will be prepared as indicated below.

A Debt Settlement Plan will be referred to OGC if:

- a. The committee accepted public funds; or
- b. The total amount of debt owed by the committee, as disclosed on the Debt Settlement Plan or the last report filed, whichever is more recent, is equal to or greater than [REDACTED] (exclusive of candidate payments); or
- c. There are unresolved issues surrounding the plan which indicate the probability of serious FECA violations; or
- d. The committee is the subject of a compliance, litigation or audit action.

Authorized Committees Only: If the debts and/or loans are owed to the candidate, RAD will contact OGC or Audit to determine whether the action of forgiving the candidate debts and/or loans will impact the compliance, litigation or audit action. If the legal or audit actions will not be impacted, RAD will not refer the Debt Settlement Plan to OGC.

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A Creditor Statement of Debt Forgiveness will be referred to OGC if:

- a. The debtor committee accepted public funds; or
- b. The amount of any debt owed by a committee to the creditor is equal to or exceeds [REDACTED] and the debt has not been discharged through bankruptcy proceedings; or
- c. There are unresolved issues surrounding the statement which indicate the probability of serious FECA violations; or
- d. The debtor committee or creditor is the subject of a compliance, litigation or audit action.

A request from an ongoing committee to consider a debt(s) as non-payable will be referred to OGC if:

- a. The committee accepted public funds; or
- b. A single debt in the request is equal to or exceeds [REDACTED] or the total value of all debts in the request equal or exceed [REDACTED]. The threshold amount does not include any debts extinguished through bankruptcy proceedings; or
- c. There are unresolved issues surrounding the plan which indicate the probability of serious FECA violations; or
- d. The committee is the subject of a compliance, litigation or audit action.

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SENSITIVE

Standard 20: Partisan Internal Communications (FORM 7)

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent if an organization has failed to properly itemize partisan internal communications in excess of [REDACTED] per report.

An RFAI will be sent when an amendment(s) is filed more than [REDACTED] after the filing date of the original report (whether in response to an RFAI or voluntarily), disclosing additional disbursements of at least [REDACTED], and in excess of [REDACTED] (this does not apply to an amendment(s) filed prior to the due date of the original report), and no explanation has been provided.

An RFAI will be sent when an amendment(s) is filed more than [REDACTED] days after the filing date of the original report (whether in response to an RFAI or voluntarily), disclosing a decrease in activity where the deleted activity is at least [REDACTED] of the disbursements, and exceeds [REDACTED] and no explanation has been provided.

Applying this Standard:

Proper disclosure requires:

- the name, address and type of organization (if ambiguous or unclear);
- report type or period covered;
- type of communication;
- class or category communicated with;
- whether the candidate was supported/opposed;
- the election designation;
- name of candidate;
- the office sought, state and district (if applicable);
- the date(s) of communication; and
- the cost of communication per candidate.

Audit Point Assessment:

[REDACTED] will be assessed under this Standard.

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nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Referral to ADRO:

A referral will be made to ADRO if an organization files an amendment(s) [REDACTED] or more days after the filing date of the original report, which discloses an increase or decrease in disbursements of [REDACTED] or more and:

- For Election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED] (includes October Quarterly and Pre-election reports for primary, general, runoff and special elections).
- For Non-election sensitive reports, is in excess of [REDACTED] and less than or equal to [REDACTED].

A referral may also be made to ADRO if the increase or decrease in activity is [REDACTED] or more and is in excess of [REDACTED] for election sensitive reports, and in excess of [REDACTED] for non-election sensitive reports, and the matter has been subject to the OGC Review and Concurrence Process.

Referral to OGC:

A referral to OGC will be made if an organization has expended in excess of [REDACTED] in a calendar year communicating outside of the permissible class, or if other apparent violations of 11 CFR §114.3 are detected.

A referral to OGC will be made if an organization files a report(s) that was due prior to the General election, after the General election, and the report(s) discloses in excess of [REDACTED] in activity.

A referral will be made to OGC if an organization files an amendment(s) [REDACTED] or more days after the filing date of the original report, which discloses an increase or decrease in disbursements or debts of [REDACTED] or more and, for election sensitive reports, is in excess of [REDACTED] and for non-election sensitive reports, is in excess of [REDACTED], when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

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nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 21: Convention, Host and Inaugural Committee Reporting

Problems

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent/Applying this Standard:

An RFAI will be sent if a convention/host/inaugural committee's report discloses mathematical discrepancies. In this regard, Standard 6 will be followed.

An RFAI may be sent at the discretion of the Assistant Staff Director if there appears to be serious violations on a convention, host or inaugural committee's report.

Assessment of Audit Points:

[REDACTED] will be assessed under this Standard.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

This document does not bind the Commission,
nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 22: Electioneering Communications Reporting Problems

(This Standard does not apply to Title 2 and Title 26 Authorized Committees or to Unauthorized Committees)

Notices Sent:

An RFAI (RQ-4) will be sent when an FEC Form 9 is filed late or not filed. The RFAI will request clarification regarding the circumstances of the late or non-filing.

An RFAI (RQ-4) will be sent when an FEC Form 9 is filed and any of the following information is omitted or inadequately reported:

- Full name, address, and employer/ occupation (if applicable) of entity,
- Date of Public Distribution and Communication Title,
- Full name, address, and employer/ occupation of Custodian of Records, and/or
- Signature (if filed on paper)

An RFAI (RQ-4) will be sent when an FEC Form 9 is filed and no persons are disclosed as sharing/ exercising control.

An RFAI (RQ-4) will be sent when an FEC Form 9 is filed and Schedule 9-A of the document does not provide the donor's full name, address, date of receipt, and/ or amount for [REDACTED] or more itemized entries that total in excess of [REDACTED].

An RFAI (RQ-4) will be sent for failure to properly itemize a single disbursement (one entry) in excess of [REDACTED].

An RFAI (RQ-4) will be sent when an FEC Form 9 is filed and Schedule 9-B of the document does not provide the payee's full name, address, employer/ occupation (if applicable), purpose, name of candidate, office sought, state, and/ or district (if applicable), election designation and communication date for any entry in excess of [REDACTED].

An RFAI (RQ-4) will be sent for failure to provide a Schedule 9-A when donations disclosed on Line 9 of FEC Form 9 exceed [REDACTED] and no donations are itemized on Schedule 9-A (or no

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SENSITIVE

Schedule 9-A is provided).

An RFAI (RQ-4) will be sent for failure to provide a Schedule 9-B when disbursements/obligations disclosed on Line 10 of FEC Form 9 exceed [REDACTED] and no disbursements/obligations are itemized on Schedule 9-B (or no Schedule 9-B is provided).

An RFAI (RQ-4) will be sent to any entity that files an amendment(s) to a report more than [REDACTED] days after the filing date of the original report (whether in response to an RFAI or voluntarily), which discloses additional financial activity of at least [REDACTED] of the donations or disbursements/obligations, whichever is appropriate, and is in excess of [REDACTED] and no adequate explanation has been provided.

An RFAI (RQ-4) will be sent when an amendment(s) is filed more than [REDACTED] days after the filing date of the original report (whether in response to an RFAI or voluntarily), disclosing a decrease in activity where the deleted activity is at least [REDACTED] of the donations or disbursements/obligations, whichever is appropriate, and exceeds [REDACTED] and no explanation has been provided.

Mathematical errors (addition errors and failure to carry forward figures from Schedules 9-A and 9-B to Form 9) will be subject to the thresholds in Standard 6.

Applying This Standard:

An electioneering communication that has not been filed by the [REDACTED] business day after the date of public disclosure is considered late. An electioneering communication filed after the applicable election will be considered not filed.

In determining the adequacy of the address, the following must be supplied:

- The street address, PO Box, or RR number
- The city, state, and zip code.

Assessment of Audit Points:

[REDACTED] will be assigned under this Standard.

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Referral to ADRO:

[REDACTED]

Referral to OGC:

A referral will be made to OGC when an entity does not respond to an RFAI regarding the non-filing of an electioneering communication, when the communication in question is in excess of [REDACTED] and no adequate explanation has been provided for the public record.

A referral to OGC will be made when an entity files a report(s) that was due prior to an election, after the election, and the report(s) discloses in excess of [REDACTED] in activity.

A referral will be made to OGC if an entity files an amendment(s) [REDACTED] or more days after the filing date of the original report, which discloses an increase or decrease in donations or disbursements/obligations of [REDACTED] or more and is in excess of [REDACTED].

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 23: Bundling Reporting Problems (Form 3L)

(This Standard applies to Authorized Committees, Leadership PACs and Party Committees)

Notices Sent:

An RFAI will be sent for failure to properly disclose bundled contributions received within the covered period for [REDACTED] but not less than [REDACTED] entries per report.

Applying This Standard

Schedule A

- the name of the lobbyist/registrant or lobbyist/registrant PAC;
- the address of the lobbyist/registrant or lobbyist/registrant PAC;
- the lobbyist/registrant's employer (for individuals); and
- the aggregate amount of bundled contributions received during the covered period

In determining the adequacy of a contributor's address, the following must be supplied:

- The street address, PO Box, or Rural Route #
- The city, state, and zip code.

Assessment of Audit Points:

[REDACTED] will be assessed per report if a committee does not respond or responds inadequately to an RFAI.

Referral to ADRO:

A committee will be referred to ADRO if it meets both of the following criteria:

- The committee failed to correct the itemization information for entries that total [REDACTED] in number for the [REDACTED] and
- The committee failed to correct the itemization information for [REDACTED] or more of the total entries requiring itemization for the [REDACTED].

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nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Referral to OGC:

A committee will be referred to OGC in lieu of ADRO if it meets the following criteria:

- The committee failed to correct the itemization information for entries that total [REDACTED] or more in number for the [REDACTED], and
- The committee failed to correct the itemization information for [REDACTED] or more of the total entries requiring itemization for the [REDACTED].

Standard 24: Continuation of Reporting Problems Noted in a Previous

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Audit

(This Standard does not apply to Title 26 Authorized Committees)

Notices Sent:

There will be no notices sent under this Standard.

Applying This Standard:

Only violations verified by the Audit Division in final audit reports will be used to determine which reporting problems this section applies to. Problems cited in final audit reports from previous election cycles will be limited to the [REDACTED] for Unauthorized and House committees and [REDACTED] for Senate committees and Title 2 Presidential committees.

Assessment of Audit Points:

[REDACTED] will be assessed for each problem cited in a final audit report as a finding relating to a previous election cycle, where that problem continues in reports filed subsequent to the committee's receipt of the final audit report. Points under this Standard will only be assessed if the committee inadequately responds to or does not respond to a problem noted in an RFAI.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 25: Problems with Reporting Financial Activity/FEC Database

Notices Sent/Applying this Standard:

If an analyst believes that a discrepancy, error or omission may have a significant impact on the Commission's Reports on Financial Activity, an RFAI will be sent subject to the approval of the Branch Chief and without regard to the aforementioned Standards.

On a case-by-case basis, the Information Technology Division will notify RAD if a committee's format for the reporting of reattributions, redesignations, earmarked contributions, joint fundraising memos, staff advances and conduit contributions causes document-processing problems. For example, if a committee is involved in a convention or caucus and the contributions received are designated for a primary election by the committee, an RFAI will be sent notifying the committee of the proper reporting format. If the problems continue on subsequent reports, additional RFAIs will be sent.

In addition, if the analyst believes a committee's format for the above transactions is causing document-processing problems or will cause document processing problems in the future, an RFAI will be sent notifying the committee of the proper reporting format when the amount(s) in question is in excess of [REDACTED]. If the problems continue on subsequent reports, additional RFAIs will be sent.

Assessment of Audit Points:

[REDACTED] will be assessed for the first RFAI sent to a committee for an apparent violation. On subsequent reports, [REDACTED] will be assessed per reporting period if the committee does not respond or inadequately responds to an RFAI.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 26: Personal Use of Campaign Funds

(This Standard does not apply to Unauthorized and Title 26 Authorized Committees)

Notices Sent:

An RFAI will be sent if a report contains one or more entries in excess of [REDACTED] each that are apparent Per Se Personal Use of campaign funds, as defined at 11 CFR §113.1(g), with the exception of item "F" below.

An RFAI will be sent for salary payments made to an apparent member of the candidate's family (as described in item "F" below) totaling in excess of [REDACTED] per report.

Applying This Standard:

This Standard is designed to monitor the personal use regulations. [REDACTED]
[REDACTED]

Examples of Per Se Personal Use include but are not limited to:

- a. Mortgage payments;
- b. Clothing, except articles of de minimus value such as T-shirts or caps imprinted with a campaign slogan;
- c. Tuition payments, unless specifically stated as training of campaign staff to perform campaign tasks;
- d. Funeral, cremation and burial expenses unless the expenses are used for a candidate, employee, or volunteer of an authorized committee whose death arises out of, or in the course of, campaign activity;
- e. Rent and utility payments which are specifically disclosed as payments for the candidate's personal residence (e.g., "electric bill for candidate's home"), even if part of the residence is being used by the campaign;

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

- f. Salary payments which are made to apparent members of the candidate's family (i.e., individuals sharing the candidate's surname) or salary payments expressly reported as being to members of the candidate's family (e.g., "salary to the candidate's sister") and, as reported, evidently exceed the fair market value of bona fide services rendered to the campaign.
- g. Food items for day-to-day consumption in the home and supplies purchased to maintain the household that are specifically reported for a purpose other than fundraising activities and/or refreshments for campaign meetings (e.g., "groceries for candidate's family", "supplies for candidate's home");
- h. Entertainment, such as sporting events, concerts and theater, which are specifically reported as being for a purpose other than campaign or office holder activity (e.g., "football tickets for candidate and his son"); and
- i. Dues, fees, and gratuities, such as payments to a country club, health club, recreational facility or other nonpolitical organization, which are not reported as being associated with fundraising or a fundraising event. Thus, "health club membership for candidate" is not acceptable, whereas "fundraiser at health club" is acceptable. This excludes any payments to an organization that may offer political contacts, such as a community or civic organization. Thus, "Rotary Club dues for candidate" or "Lion's Club dues for candidate" are acceptable.
- j. Salaries paid to the candidate by the PCC become personal use of campaign funds when
- The salary exceeds the annual salary for the federal office sought.
 - Salary is not made on a pro-rata basis. If a candidate loses the primary election or withdraws prior to the general election, he or she must not continue to receive salary payments.
 - Payments are made to incumbent federal officeholders.
 - Payments are made before the filing deadline for access to the primary election ballot.

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SENSITIVE

k. Contributions received on or before the day of election can be used to repay all candidate personal fund loans provided the loans are repaid within 20 days of the appropriate election. Contributions received after the applicable election may only be used to repay candidate personal fund loans up to \$250,000. Attempts to repay candidate loans that aggregate in excess of \$250,000 past the 20 day deadline; will result in an impermissible personal use of campaign funds by the candidate.

Legal, meal, travel, vehicle and mixed-use expenses will not be questioned under this standard, unless specifically reported for a use that is personal.

Any other RFAI regarding Per Se Personal Use will be sent in consultation with the Authorized Branch Chief.

Assessment of Audit Points:

██████████ will be assessed per reporting period if the committee does not respond or responds inadequately to an RFAI.

Referral to ADRO:

A committee may be referred to ADRO in cases where the committee does not respond or inadequately responds to an RFAI and the entries which include Per Se Personal Use, exceed ██████████ per report and the matter(s) in question has been subject to the OGC Review and Concurrence Process.

Referral to OGC:

Referrals will be handled by OGC for the apparent violations noted above in “Referral to ADRO” when a determination has been made during the OGC Review and Concurrence Process that the matter(s) in question is better suited for standard processing in OGC.

There will be no referrals made to OGC under this Standard for Title 26 Committees.

Standard 27: Expenditures in Excess of the Overall and/or State Limits

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nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

(This Standard does not apply to Title 2 Authorized or Unauthorized Committees)

Notices Sent:

An RFAI will be sent when a state limit or the overall limit has been exceeded by an amount in excess of [REDACTED]

Applying This Standard:

A statement regarding refunds, rebates, or returns of deposit owed to the committee relevant to the state(s) in question will be considered adequate.

Assessment of Audit Points:

[REDACTED] are assessed under this standard.

Referral to ADRO:

[REDACTED]

Referral to OGC:

[REDACTED]

This document does not bind the Commission,
nor does it create substantive or procedural rights.
For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 28: Administrative Expenses

(This Standard does not apply to Title 2 Authorized or Title 26 Authorized Committees)

Notices Sent:

A notice will not be sent to a Separate Segregated Fund, since such costs can be paid by its connected organization.

A notice will not be sent to Nonconnected PACs due to the *EMILY's List* decision. A reassessment will be made subsequent to a rulemaking in response to this decision.

An RFAI will be sent if a report discloses in excess of [REDACTED] in total disbursements during a reporting period, and no/limited administrative expenses (utilities, rent and salaries) have been itemized. If a report does not disclose payments for rent, salary and utilities, reports filed to date by the committee for the calendar year will be analyzed to determine if there is sufficient disclosure of administrative expenses. Payments to a consulting, law or accounting firms will be considered acceptable for salary.

For Monthly filers, the assessment of Administrative Expenses will be based on the activity of [REDACTED] reports filed, beginning with the [REDACTED] Monthly Report. During an election year, the assessment will be based on the combined activity on the [REDACTED] Reports.

If debts are incurred during the period for administrative expenses, this will negate the sending of
of
a notice. However, if debts are incurred to the non-federal account for administrative expenses, this will be handled in accordance with Standard 13. If debts are incurred to a Levin account for Administrative expenses, this will be handled under Standard 12.

A committee whose response to an RFAI indicates that it operates on a volunteer basis, operates out of a home and/or its administrative expense payments are minimal, will not be questioned for the remainder of the election cycle.

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.

SENSITIVE

Standard 29: Terminating Committees

Notices Sent/ Applying this Standard:

Committees that file a Termination Report will be subject to a termination review as noted below. If a committee files a Termination Report and has other reports that have not yet been reviewed, the analyst's review of prior reports will be limited to the termination review criteria.

An RFAI will be sent if a termination report discloses outstanding debts/loans or residual funds (without a statement concerning the disposition of residual funds) in excess of [REDACTED]. The RFAI will advise the committee that they must continue to file reports until the requirements of 11 CFR §102.3 have been satisfied. If there are no other outstanding issues, the committee could be subject to the Administration Termination policy and procedures.

If a committee attempts to terminate with residual funds or outstanding debts/loans (excluding those made from the candidate's personal funds for Authorized Committees) in excess of [REDACTED] and does not file its next report(s), the committee will be handled through the non-filing process under Standard 4.

Termination Review

Standard 5 – Excessive, Prohibited and Other Impermissible Contributions/Transfers

For Unauthorized Committees – violations during the current election cycle meeting the RFAI threshold, where a refund or transfer-out should have been, but was never issued, will be treated as a debt and aggregated towards the in excess of [REDACTED] threshold for outstanding loans/debts.

For Authorized and Unauthorized Committees – violations during the current election cycle meeting the RFAI threshold, where the committee does not disclose receiving a refund or reimbursement, will be treated as residual funds and aggregated with the committee's cash-on-hand balance towards the in excess of [REDACTED] threshold. Disputed debts will be counted toward the committee's outstanding debts and obligations.

Standard 6 – Mathematical Discrepancies:

Limit review for: (1) any Admin Fines, ADRO and OGC referable violations, and (2) discrepancies affecting cash-on-hand or loans/debts balance, including but not limited to:

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SENSITIVE

- Column A discrepancies – Schedule(s) greater than the line amount on the Summary Page or Detailed Summary Page;
- Discrepancies within Schedules that affect cash on hand and/or loans/debts balance;
- Column A errors in subtotal and total lines;
- Overlapping coverage dates causing the same activity to be reported more than once;
- Gap in coverage dates between reports;
- Discrepancies between ending and beginning cash-on-hand;
- Incorrect disclosure of invested funds resulting in cash-on-hand errors;
- Incorrect disclosure of coordinated expenditures made by party committees resulting in cash-on-hand errors (Authorized Committees); and
- Inclusion of memo entries into Column A totals.

Standard 7 – Failure to Provide Supporting Schedules:

Limit to review for: (1) any ADRO and OGC referable violations, and (2) problems affecting cash-on-hand or loans/debts balance, including, but not limited to:

- Missing or insufficient Schedule(s) A, B, C, D and for Unauthorized Committees only, E and F;
- Initial cash balance on the first report filed by the committee; and
- Negative ending cash-on-hand

Standard 8 – Failure to Properly Itemize Missing Contributions from Individuals

Limit to review for any ADRO and OGC referable violations.

Standard 11 – Failure to Properly Itemize Disbursements

Limit to review for any ADRO and OGC referable violations.

Standard 12 – Federal Election Activity/Levin Funds (Unauthorized Committees)

Limit to review for: (1) any ADRO and OGC referable violations, and (2) problems affecting cash-on-hand balance or loans/debts balance, including, but not limited to:

- Missing or insufficient Schedule(s) H5, H6, L-A and L-B
- Failure to transfer-out excessive or prohibited amount received from Levin/non-federal account

Standard 13 – Allocated Federal and Non-Federal Activity (Unauthorized Committees)

Limit to review for: (1) any ADRO and OGC referable violations, and (2) problems affecting cash-on-hand balance or loans/debts balance, including, but not limited to:

- Missing or insufficient Schedule(s) H3 and H4
- Failure to transfer-out excessive or prohibited amount received from non-federal account

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SENSITIVE

Standard 14 – Independent Expenditure Reporting Problems (Unauthorized Committees)

Limit to review for any ADRO and OGC referable violations.

Standard 15 – Coordinated Expenditure Reporting Problems (Unauthorized Committees)

Limit to review for any ADRO and OGC referable violations.

Standard 16 – Failure to Properly Itemize Loans

Limit to review for any ADRO and OGC referable violations.

Standard 23 – Bundling Reporting Problems (Form 3L)

Limit to review for any ADRO and OGC referable violations.

Standard 26 – Personal Use of Campaign Funds (Authorized Committees)

Standard 28 – Administrative Expenses (Unauthorized Committees)

Limit to review for any ADRO and OGC referable violations.

Standard 30 – Other Violations of the Federal Election Campaign Act

Prior Reports with Outstanding Issues

An RFAI will be sent if a termination report is filed, but previous problems exist on prior reports that have not been corrected or clarified and are ADRO²⁴/OGC referable, or if not corrected, would cause the committee to have residual funds or debts/loans in excess of [REDACTED].

Outstanding Standard 5 violations and for Unauthorized Committees, Standard 12 and 13 violations meeting the RFAI threshold where a refund or transfer-out should have been, but was never issued, will be treated as a debt and aggregated towards the in excess of [REDACTED] threshold for outstanding loans/debts. In addition, outstanding Standard 5 violations meeting the RFAI threshold where the committee does not disclose receiving a refund or reimbursement, will be treated as residual funds and aggregated with the committee's cash-on-hand balance towards the in excess of [REDACTED] threshold.

²⁴ [REDACTED]
[REDACTED]

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SENSITIVE

Outstanding Standard 5 and for Authorized Committees, Standard 26 violations meeting the RFAI threshold where the committee does not disclose receiving a refund or reimbursement, will be treated as residual funds and aggregated with the committee's cash-on-hand balance towards the in excess of [REDACTED] threshold.

The notice will be sent on the Termination Report to advise the committee that they must continue to file reports until all questions raised have been responded to.

Termination Criteria

If a committee has no outstanding issues with the Commission and files a Termination Report disclosing: (1) no outstanding loans or debts and no residual funds, or (2) outstanding loans or debts of [REDACTED] or less, or residual funds of [REDACTED] or less, a termination notice (MS-K) will be sent which states that the committee's future reporting requirement has been terminated. For Authorized Committees, this applies only to loans or debts from a source other than the candidate.

If a terminating Authorized Committee has outstanding loans or debts in any amount, owed to the candidate, a modified MS-K re: loan forgiveness will be sent. The modified MS-K will instruct the committee to file a letter signed by the candidate stating that the loans/debts are forgiven (see "Authorized Committees" section below).

Outstanding Matters in Other Divisions

If a committee that files a termination report and is involved in the Administrative Fines process or has other outstanding issues (i.e.; MUR, eligible for audit or ADR), RAD will coordinate with the appropriate division so a letter may be sent to the committee notifying them they must continue to file reports until notified by the FEC and until the matter(s) has been resolved. If a committee may be eligible for audit, but a decision to refer has not been made, a notice denying termination while the Commission makes a determination about whether or not to pursue the matter will be sent by the RAD analyst.

All committees that file a termination report electronically will receive an e-mail from the IT

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SENSITIVE

Division telling the committee they must continue to file all future reports until notified by the Commission that their termination request has been approved.

A committee that files a termination report will not be included in the Administrative Fines Program (AFP) when:

- the report is filed late but is otherwise satisfactory, thus permitting RAD to terminate the committee; or
- the report is filed late and has issues for which an RFAI is required, but the issues would not prevent RAD from terminating the committee if ultimately not resolved. Any subsequent reports required to be filed during the RFAI response time period also will not be included in the AFP.

The above will apply only when the committee's report is received prior to RAD circulating its Administrative Fine reason to believe (RTB) recommendation. If the report has not been filed prior to RTB, the committee will be included in the program.

Authorized Committees

If a committee files a termination report with only outstanding candidate debts and/or candidate loan(s), the candidate states that he/she is forgiving these obligations and the committee has no other outstanding matters with the Commission, a notice (MS-K) will be sent to the committee advising them that their filing requirement has been terminated.

If a committee files a termination report with only outstanding candidate debts and/or candidate loan(s), a notice (modified MS-K) will be sent which states that the committee's future filing requirement has been terminated. The notice will also request that the candidate submit a signed, written statement forgiving all debts and/or candidate loan(s) in lieu of a Debt Settlement Plan. The notice will request a signed, written statement even if the committee files electronically except in the case where the candidate and the treasurer are the same person.

Assessment of Audit Points:

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SENSITIVE

█ audit points will be assessed under this Standard.

Referral to ADRO:

Referral to OGC:

See Administrative Termination Section.

Administrative Termination

General

Administrative Termination (AT) is the action taken by the Commission to terminate the **reporting** obligations of political committees that appear to be inactive. Administrative Termination does not relieve a committee of any legal responsibility for the payment of any outstanding debt or obligations. RAD will send an Administrative Termination Letter (MS-F) to those committees identified for AT action. **All** committees selected for AT action will be forwarded to OGC, ADRO and Audit to ensure that no outstanding matters are pending within the Commission prior to Administrative Termination. Committees that are **not** subject to the OGC, Audit Division or ADR referral provisions of the standards contained in this policy may be examined for administrative termination if:

- a committee that has filed reports but does not respond to at least █ non-filer notices or such notices have been returned by the US Postal Service as not deliverable, or
- a committee has registered with the FEC but did not file the report that was due following the registration date, or
- a committee appears to be filing reports solely for the purpose of reporting outstanding debts and the committee has reported the same debt and cash on hand information for one year.

A committee will not be considered for administrative termination if there is a pending or outstanding compliance or audit action. Normally, a committee will not be considered for

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administrative termination if it is involved in the Administrative Fines program. However, a committee may be considered for administrative termination, if the committees' debt has been transferred to the Department of Treasury and the committee has discontinued the filing of required Commission reports.

Administrative Termination by RAD

Unauthorized Committees

RAD may administratively terminate –

- a committee that has filed reports but does not respond to at least [REDACTED] non-filer notices or such notices have been returned by the US Postal Service as not deliverable, or
- a committee has registered with the FEC but did not file the report that was due following the registration date, or
- a committee that has not filed reports for [REDACTED] and its total assets (cash on hand plus debts owed to the committee) minus total debt and obligations does not exceed [REDACTED];
or
- a committee that has reported the same debt and cash on hand information for a period of [REDACTED] and its assets (cash on hand and debts owed to the committee) minus total debt and obligations do not exceed [REDACTED].

Authorized Committees

RAD may administratively terminate–

- a committee that has filed reports but does not respond to at least [REDACTED] non-filer notices or such notices have been returned by the US Postal Service as not deliverable, or
- a committee has registered with the FEC but did not file the report that was due following

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the registration date, or

- a committee that has not filed reports for [REDACTED], and its cash on hand does not exceed [REDACTED] and it meets the age and debt/obligation amounts outlined in Table 1-1; or
- a committee that has reported the same debt and cash on hand information for a period of [REDACTED] and its assets (cash on hand and debts owed to the committee) minus total debts and obligations do not exceed [REDACTED]. The committee must also meet the age and debt/obligation amounts outlined in Table 1-1.

Administrative Termination Referral to OGC

Unauthorized Committees

RAD may refer to OGC –

- a committee that has not filed reports for [REDACTED] if its cash on hand and debts owed to the committee exceeds the total debts and obligations owed by the committee in excess of [REDACTED]; or
- a committee that has reported the same debt and cash on hand information for a period of [REDACTED] if its cash on hand and debts owed to the committee exceeds the total debts and obligations owed by the committee in excess of [REDACTED].

Authorized Committees

RAD may refer to OGC –

- a committee that has not filed reports for [REDACTED], if its cash on hand exceeds [REDACTED] and it meets the age and debt/obligation amounts in Table 1-1; or
- a committee that has reported the same debt and cash on hand information for a period of [REDACTED] if its cash on hand and debts owed to the committee exceeds the total debts and obligations owed by the committee in excess of [REDACTED] and it meets the age and debt/obligation amounts in Table 1-1. Please note, when a concern exists that a

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committee's outstanding debts and obligations appear to present a possible violation of the prohibitions and limitations of 11 CFR parts 110 and 114, RAD should consult with OGC concerning the appropriateness of a referral.

Table 1-1

The following Age/ Debt Table will be used in determining whether an Administrative Termination can be initiated by RAD.

<u>AGE*</u>	<u>DEBT THRESHOLD+</u>
████	████
████	████
████	████
████	████
████	████
████	████
████	████
████	████
████	████
████	████

*AGE will be determined from the date of the election in which the candidate last participated.

+ Debt totals do not include debts owed to the candidate or loans to the committee from the candidate's personal funds.

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Standard 30: Other Violations of the Federal Election Campaign Act

Notices Sent:

Notwithstanding the aforementioned Standards, an RFAI will be sent subject to the approval of the Assistant Staff Director for RAD, where there may be serious violations of the Federal Election Campaign Act or the Commission's Regulations.

Assessment of Audit Points:

Point assessment will be made at the discretion of the Assistant Staff Director for RAD.

Referral to ADRO:

[REDACTED]

Referral to OGC:

A referral to OGC will be prepared if a committee does not respond or submits an inadequate response to an RFAI. Additionally, RAD will consult with OGC concerning the appropriateness of a referral when RAD [REDACTED]

[REDACTED]

Title 26 Presidential Committees

RAD will consult with the Audit Division and OGC regarding an appropriate course of action. The consultation will take place at the time the RFAI is circulated to Audit and OGC. If a response to the RFAI is not received, is inadequate, or admits to the violation, the three divisions will jointly decide whether or not to refer the committee to the Commission prior to the commencement of the mandatory audit.

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Reports Analysis Division (RAD) Review Process



October 2011

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Organization of RAD

3 Branches

- **Party Non-Party Branch – 21 analysts**
 - ▶ Review all Party and PAC reports
 - ▶ 4-5 Month training program and mentored for 6-12 months
- **Authorized Branch – 15 analysts**
 - ▶ Review all federal candidate committee reports
 - ▶ 2 Month training program and mentored for 6-12 months
- **Compliance Branch – 4 analysts**
 - ▶ Implement the non-filer and Administrative Fine programs

2010 FEC Information Division

A. **Organization of RAD**

1. **Three Branches**

- a) Party/NonParty Branch – review all party committees and PAC reports – 21 analysts. New analysts undergo a 4-5 month training process and are then mentored by a more Senior analyst for 6 to 12 months.
- b) Authorized Branch – review federal candidate committees reports – 15 analysts. New analysts undergo a 2 month training process and are then mentored by a more Senior analyst for 6 to 12 months.
- c) Compliance Branch – serve a quality control function for the review branches and implement the non-filer and Administrative fines programs – 4 analysts
- d) Recently began cross training analysts to review reports filed by all committee/entity types.

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PAC/Party Analysts

- Each analyst is assigned 200-400 committees
- PACs with are assigned randomly
- Larger PACs assigned to more senior analysts
- National committees assigned to more senior analysts, State party committees assigned by state, Local parties assigned randomly

2010 FEC Information Division

2. **Committee Assignments – Party/Non-Party Branch**
 - a) Party/NonParty Branch analysts are assigned anywhere from 200 to 400 committees (parties and PACs).
 - b) PACs are assigned randomly with the larger ones being assigned to more senior analysts.
 - c) National Committees are assigned to the more Senior analysts, State Party committees are assigned by state, so that the assigned analyst reviews both the Democratic and Republican state parties, Local parties are assigned randomly.

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Authorized Branch Analysts

- Each analyst is assigned 200-350 committees
- House and Senate campaigns assigned by state
- Presidential and Delegate committees are assigned to senior analysts
- All others are assigned at random

2010 FEC Information Division

3. **Committee Assignments – Authorized Branch**
 - a) Authorized Branch analysts are assigned anywhere from 200 to 350 committees (House, Senate, Presidential, Delegate, Joint Fundraising, Independent Expenditures and Electioneering).
 - b) House and Senate Campaign committees are assigned by state
 - c) Presidential and Delegate committees are assigned to more senior analysts.
 - d) All others are assigned randomly.

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Analyst Responsibilities

- Review assigned committees' reports by established deadlines
- Assist committees by phone and log calls
- Meet with committees by request
- Participate in FEC conferences
- Special projects

2010 FEC Information Division

4. **Analyst Responsibilities**
 - a) Review all reports filed by assigned committees by established deadlines.
 - b) Customer service role – assist committees on the phone on a daily basis and log phone calls. Meet with Committees by request. Participate in conference workshops and lunch tables.
 - c) Special Projects

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RAD Review and Referral Policy

- Categories of review include:
 - ▶ Mathematical Discrepancies
 - ▶ Failure to Provide Supporting Schedules
 - ▶ Failure to Properly Itemize Contributions from Individuals
- RFAI threshold
- Policy is confidential and is approved by the Commission

2011 FEC Information Division

B. RAD Review of Reports

1. RAD Review and Referral Policy

- a) Internal policy contains thirty categories of review the analyst checks, such as: Mathematical Discrepancies, Failure to Provide Supporting Schedules and Failure to Properly Itemize Contributions from Individuals, to name a few.
- b) Policy has established thresholds for making determination on whether to send a Request for Additional Information (RFAI).
- c) Thresholds are confidential and policy is approved by the Commission.

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Review of Reports

Thresholds applied on a per report basis

- Committee may receive RFAI on same issue already addressed in response to RFAI from earlier report
- Exceptions: Responses relating to best efforts procedures apply for the two year election cycle

2011 FEC Information Division

- d) Review is conducted on a per report basis, meaning the thresholds are applied to each report reviewed.
 - 1) This means a committee may receive a RFAI which includes the same issue already addressed in response to a RFAI referencing a different report.
 - Exceptions include outlining Best Efforts procedures which would apply to the two-year cycle.

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Review of Reports

- Several issues may combine to meet a single threshold, so it's possible to see an issue questioned on one report, but not on another
- Commission reassesses policy every election cycle and revises it based on input from RAD and other offices (such as OGC) and Commissioners.

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- 2) There may be several issues that are aggregated together to meet a single threshold, so it's possible to see an issue questioned on one report that isn't included in an RFAI on for another report.
- e) Policy is reassessed every election cycle and revisions/change made based on input from RAD and other offices (such as OGC), and Commissioners.

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Request for Additional Info

- If internal thresholds are met, analyst sends RFAI with response due date in upper right corner
- No extensions
- Responses assessed by analysts, team leaders
- Analysts do not reply to committee responses

2011 FEC Information Division



Request for Additional Info

FEDERAL ELECTION COMMISSION
Washington, DC 20542
August 27, 2011

James OH Fine, Treasurer
177 Columbia Street North
Manchester, NH 03112

IDENTIFICATION NUMBER: 110000000

Reference: July Monthly Report of (1) 67420 (1) and (2) General Assembly
Report (6/30/11) 67420 (1)

Dear Mr. Fine:

The letter is generated by the Commission's preliminary review of the reported information. The letter requests information essential to full public disclosure of your federal election campaign finance. An adequate response must be received in the Commission by the response date listed above. An indication of the information needed follows.

Committee Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR 104.30(a)(4)(ii)) Identification for an individual is defined as the full name, mailing address, signature and name of employer. (11 CFR 104.32) Your report includes contributions from individuals for which the identification is not complete.

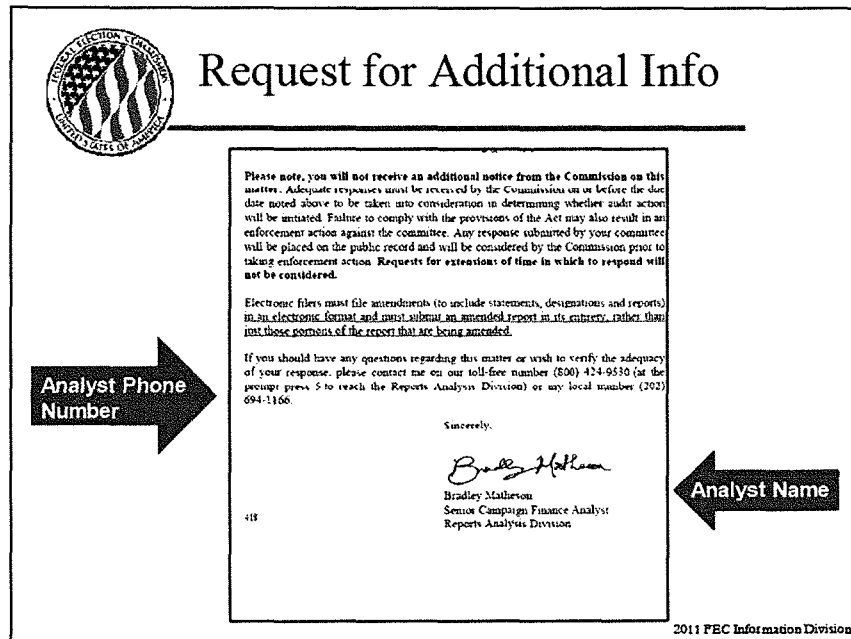
You must provide the missing information, or if you are unable to do so, you must document the "best efforts" being used to obtain the information. To avoid "best efforts," you must provide the Commission with a detailed description of your procedure for requesting the information, including "best efforts" in a clear and concise manner.

Next, your original submission must include a clear and conspicuous request for the committee information and must follow the guidelines of the requirements of federal law for the reporting of such information. (11 CFR 104.79(b))

Response Due Date: September 31, 2011

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The image shows a "Request for Additional Info" form from the Federal Election Commission. The form is enclosed in a rectangular border. In the top left corner, there is a circular seal of the Federal Election Commission. To the right of the seal, the title "Request for Additional Info" is written in a large, bold, serif font. Below the title, there is a large rectangular box containing the main text of the request. To the left of this box, there is a large black arrow pointing to the right, with the text "Analyst Phone Number" written inside it. To the right of the box, there is a large black arrow pointing to the left, with the text "Analyst Name" written inside it. The text inside the box is as follows:

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extension of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1166.

Sincerely,
Bradley Matheson
Bradley Matheson
Senior Campaign Finance Analyst
Reports Analysis Division

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- C. **Request for Additional Information (RAI)**
1. **If internal thresholds are met, an RAI is sent, with a Response Due Date in the upper right hand corner of the letter, extensions are not granted.**

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For more information, see http://www.fec.gov/law/procedural_materials.shtml.



Responding to RFAIs

- Analysts do not contact committees in every case when a response is not sufficient
- Committee should contact its analyst before and/or after filing a response
- Analysts do not make legal conclusions
- Analysts cannot categorize your activity
- In some cases, RAD consults OGC before sending an RFAI and when assessing a committee's response

2011 FEC Information Division

2. Responses are assessed by the analysts and in some cases, team leaders.

- a) Analysts do not reply to responses.
- b) Contact is not made with committees in every case when a response is not adequate due to insufficient resources.
Further explanation below.
- c) Committees are encouraged to contact their assigned analyst prior to responding if unsure about how to respond or after a response is filed to ensure an adequate response is received.
- d) Keep in mind that analysts can't make legal conclusions or give guidance on a legal conclusion being made by a committee. In addition, they cannot determine what category your activity falls under (i.e., independent expenditures or coordinated party expenditures).
- e) In some cases, RAD consults with OGC before sending a RFAI and when making a response assessment.

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Responding to RFAIs

- File amendment to add, change or delete actual entries on FEC report
- Use miscellaneous text submission (Form 99) for narrative responses that do not affect actual entries within a report (e.g., demonstrating best efforts)

2011 FEC Information Division

3. **Must amend report when changing information that affects actual entries on a report.** This would include additions, changes or deletions.
4. **Miscellaneous Text Submission (Form 99)** used for narrative responses that do not affect actual entries within a report. (For example: when outlining procedures for “Best Efforts” in obtaining contributor information.)

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Audit Consideration Factors

- Level of financial activity
- Responses to RFAs
 - ✓ Late or no response
 - ✓ Inadequate response
- Election Results (Authorized Committees only)
- Number of amendments filed is NOT a factor
- Number of RFAs received is NOT a factor if responses were adequate and timely

2011 FEC Information Division

D. Referrals to the Audit Division

1. **Factors for making referrals to the Audit Division:**
 - a) Level of financial activity;
 - b) Responses to RFAs:
 - (i) Late or no response.
 - (ii) Inadequate response.
 - c) Election Results (Authorized committees only)
2. **The number of amendments filed is not a factor.**
3. **The number of RFAs is not a factor if responded to adequately and on time.**

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OGC & ADRO Referrals

- Policy includes referral thresholds
- RAD calls committee before referring to OGC or ADRO to explain RFAI and request response
- Adequate and timely response may prevent referral

2011 FECC Information Division

E. Referrals to OGC (Office of General Counsel) and ADRO (Alternative Dispute Resolution Office)

1. Internal policy includes thresholds for determining whether a matter should be referred to OGC or ADRO.
2. Committee will receive a phone call from RAD prior to a referral to ADRO or OGC to explain RFAI and request a response.
3. An adequate response is required by the timeframe given to prevent the matter from being referred.

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Contact Information

- Ensure that committee's most current mailing address, email address and phone number appear on Statement of Organization (FEC Form 1). Often RFAIs are returned by the Post Office due to an incorrect mailing address.
- RAD Process change—RFAIs are now being sent via email. Ensure valid e-mail address is provided on Form 1.

2011 FEC Information Division

4. Committees should ensure that they have provided the most current mailing address, email address and phone numbers on their Statement of Organization (FEC Form 1). Often RFAIs are returned by the Post Office due to an incorrect mailing address. RAD began sending RFAIs via e-mail in October 2011. Committees still have the option to continue to receive RFAIs on paper through the mail.

RAD Contact Numbers
202-694-1130 or 1-800-424-9530 (press 5)

We encourage you to call your Campaign Finance Analyst for assistance.

We are here to help!

