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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 20, 2009

Xavier Martinez, Treasurer
San Diego County Democratic Party
(Fed. Acct.)
8304 Clairemont Mesa Boulevard
Suite 108
San Diego, CA 92111-1315

Response Due Date:
June 22, 2009

Identification Number: C00402826

Reference: Amended 30 Day Post General Report (10/16/08 - 11/24/08) , received
2/20/09

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 items:

1. Schedule A supporting Line 15 discloses a refund from "KFMB" totaling \$795 with "To correct entry-Check amount was \$4,505, entered as \$5,300" in the additional text field. In addition, Line 24 discloses a negative entry totaling \$-795 to "KFMB" with a purpose of "To correct entry-Check amount was \$4,505." Please note that your committee should delete erroneously entered data entirely and properly disclose the transactions rather than using negative entries to offset the receipt or disbursement entered. Please amend your report to clarify this apparent discrepancy.

2. Schedule A supporting Line 11(a)(i) of your report discloses negative entries for apparent transfers of excessive contributions originally received by your committee. Please be advised that if your committee transferred funds to your nonfederal account from your federal account, this disbursement should be disclosed on Schedule B supporting Line 22 of the Detailed Summary Page. Line 11(a)(i) should only be used if your committee received individual contributions. Further, negative entries on Schedule A should only be used to disclose voided checks that were not cashed or cleared by a bank. This method of reporting would clarify for the

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public record the total amount of receipts/disbursements and more accurately disclose the cash-on-hand amount. Please amend your report(s) to properly disclose this activity or provide clarifying information.

3. On Schedule H6, your allocated activity or event year-to-date total calculations for the GOTV and Voter Registration categories are incorrect. Allocated activity or event year-to-date totals for this activity should be calculated by adding the latest disbursement for a category to the previous event year-to-date total for that category. This running event year-to-date total should be disclosed after each disbursement is listed. Please amend your report by providing the correct event year-to-date totals.

4. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Democratic endorsements mailer-82 candidates plus propositions," "mailer," "Generic side of post card Mailers," "Generic Democratic newspaper ad," "copies brochure," "Flyer-slate endorsements," "San Diego County Democratic Party slate mailer" and "slate door hangers," which are categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

5. Please clarify all expenditures made for "facility usage" and "Fundraising fee" on Schedule(s) B. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E or F supporting Lines 23, 24 or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

6. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) B of your

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report to clarify the following description(s): "Consulting Services" and "paraphernalia." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

7. Schedule H4 of your report discloses reimbursements to individuals for "office supplies, food for volunteers, ta." Please be advised that when itemizing reimbursements to individuals for goods or services, payment to the original vendors must be itemized as memo entries regardless of amount. Each memo entry must include the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. Please amend your report to include the missing information and clearly identify on the Schedule H4, which reimbursement each memo entry relates to. 11 CFR §§104.10 and 104.17, and Advisory Opinions 1992-1 and 1996-20, footnote 3

- For future reporting, please be advised that only contributions to federal candidates and political committees should be itemized on a separate Schedule B supporting Line 23 of the Detailed Summary Page. Contributions to non-federal candidates and committees should be itemized on Schedule B supporting Line 29.

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 extensions 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) 694-1172.

Sincerely,



Alexandra T. Broomhead
Campaign Finance Analyst
Reports Analysis Division

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