



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 4, 2009

Patricia Blevins, Treasurer
Democratic State Committee Delaware
P.O. Box 2065
Wilmington, DE 19899

Response Due Date:
April 3, 2009

Identification Number: C00211763

Reference: 30 Day Post General Report (10/16/08-11/24/08)

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 10 items:

1. The totals listed on Lines 21(b), 21(c), 30 (b), and 30(c), Column B of the Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.
2. Schedule A supporting Line(s) 11(c) of your report discloses a receipt(s) from "Citizens For Biden" and "Carper For Senate," which requires further clarification. For example, if this activity represents a transfer of funds, please indicate "transfer" on Schedule A supporting Line 11(c) of your report. If this activity represents a reimbursement for services provided to this committee, please indicate this on Schedule A supporting Line 15 of your report. Please amend your report to clarify the type of activity this receipt(s) represents.
3. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Ballot Card Mailer," "Postage," "Slate Card Absentee Mailing," "Slate Card Mailer," and "Slate Cards," which is 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

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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.

4. The coordinated expenditure schedule (Schedule F) should disclose the following information: the identification of the designating committee, the payee's name and address, the purpose of the expenditure, the identification of the candidate supported, the office sought, state and district (if applicable), the date and amount of the payment and the aggregate general election expenditure total for each candidate supported. Please amend Schedule F by providing the identification of the candidate supported. 2 U.S.C. §441a(d)

5. On Schedule H2, you disclose the ratio for "Jefferson Jackson Dinner 10/13/08" and "PL Fundraising" to be the same as previously reported; however, it appears that this activity/event(s) was not previously reported. Please amend your report to clarify this discrepancy. 11 CFR §§104.10 and 104.17

6. Schedule H4 supporting Line 21(a) of your report discloses a payment(s) for "Banner." Please be advised that pursuant to 11 CFR §300.33(c)(1), expenditures for public communications (as defined by 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any such candidate for Federal office must not be allocated between or among federal and non-federal accounts. Only federal funds may be used.

Further, 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

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be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s). However, 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 amend your report to properly disclose this activity or provide clarifying information.

If this activity was categorized incorrectly, the Commission recommends that you immediately transfer the funds received by your federal account for this activity back to the non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

7. Schedule H5 of your report discloses a \$32,084.01 transfer(s)-in of Levin funds to your federal account for Voter ID and Generic Campaign activity. However, Schedule L-B supporting Line 4(b) and 4(d) of the Schedule L Aggregation Page for the "Non Federal – Levin" account discloses no transfer(s)-out of Levin funds for this activity. Please amend your report to clarify this apparent discrepancy.

8. On Schedule H6, your allocated activity or event year-to-date total calculations for the Generic Campaign and GOTV category(s) 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.

9. Schedule H6 supporting Line 30(a) of your report discloses a payment(s) for "Carper Robo Call 10.30." Please be advised that pursuant to 11 CFR §300.33(c)(1), expenditures for public communications (as defined by 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any such candidate for Federal office must not be allocated between or among federal, non-federal and Levin accounts. Only federal funds may be used.

Further, 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 by 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of

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the candidate(s). However, public communications that meet the definition of Federal Election activity and that also contain express advocacy as defined under by 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.

If this activity was categorized incorrectly, the Commission recommends that you immediately transfer the funds received by your federal account for this activity back to the non-federal or Levin account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

10. Your calculations for Line 11 on the Schedule L Aggregation Page for the "Non Federal – Levin" account appear to be incorrect. Cash-on-hand at the close of the current reporting period (Column A) should always equal the closing calendar year-to-date (Column B) cash-on-hand amount. Please amend your report to disclose the corrected total(s).

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) 694-1139.

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Sincerely,



Nicole Della Rocco
Campaign Finance Analyst
Reports Analysis Division

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