



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 1, 2016

SEBASTIAN BURNHAM, TREASURER  
DEMOCRACY USA  
1006 E YAGER LANE, STE 105A  
AUSTIN, TX 78753

**Response Due Date**

**07/06/2016**

IDENTIFICATION NUMBER: C00589176

REFERENCE: APRIL QUARTERLY REPORT (01/01/2016 - 03/31/2016)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 2 item(s):

1. Schedule A supporting Line 11(a)(i) (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 52 U.S.C. §30116(f) (formerly 2 U.S.C. §441a(f)) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year. However, Commission records indicate that your Committee maintains a Non-Contribution Account consistent with the stipulated judgment in *Carey v. FEC*.

If the apparently excessive contribution(s) in question was deposited into your Non-Contribution Account, please amend your report to disclose "Non-Contribution Account" in the description field or in memo text. For more information please reference the "Reporting Guidance for Political Committees that Maintain and Non-Contribution Account" at <http://www.fec.gov/pages/fecrecord/november2011/fecstatementcareyvfec.shtml>

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the

DEMOCRACY USA

Page 2 of 4

treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

**2.** Schedule A supporting Line 11(a)(ii) of your report discloses \$12,700 in activity identified as MEMO entries that do not appear to correspond with any itemized transaction(s). Please be advised, a memo entry is used to disclose additional information about an itemized transaction and the amount of a memo entry is not included in the total receipts or disbursements for the report. Please amend your report to provide clarifying information regarding this activity. (11 C.F.R. § 104.3(a) and (b))

- For your information and consideration when preparing future filings, political committees that have established a federal account and a non-contribution account consistent with the stipulated order in *Carey v. FEC* should report their activity according to the Commission's interim reporting guidance after notifying the Commission of their intent to do so.

DEMOCRACY USA

Page 3 of 4

Committee's using a separate non-contribution account should (1) deposit the contributions into a separate bank account for the purpose of financing independent expenditures, other advertisements that refer to a Federal candidate, and generic voter drives, (2) ensure the non-contribution account remain segregated from any accounts that receive source-restricted and amount-limited contributions for the purpose of making contributions to candidates, and (3) ensure each account pay a percentage of administrative expenses that closely corresponds to the percentage of activity for that account.

Receipts and disbursements for each account must be reported pursuant to 52 U.S.C. §30104 (formerly 2 U.S.C. §434) and 11 CFR Part 104. Receipts deposited into the non-contribution account should be reported on Schedule A supporting Line 17 with "Non-Contribution Account" disclosed in Memo Text or the description field.

Independent Expenditures paid from the non-contribution account should be disclosed on Schedule E supporting Line 24 with "Non-Contribution Account" disclosed in Memo Text or the description field with the purpose of disbursement.

All other disbursements made from the non-contribution account should be reported on Schedule B, supporting Line 29 with "Non-Contribution Account" disclosed in Memo Text or the description field with the purpose of disbursement.

For more information please see the Commission's interim reporting guidance <http://www.fec.gov/pages/fecrecord/november2011/fecstatementcareyvfec.shtml>.

**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

DEMOCRACY USA

Page 4 of 4

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,

A handwritten signature in black ink that reads "Jack Baisden". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jack Baisden  
Campaign Finance Analyst  
Reports Analysis Division

327

**Impermissible, Excessive, and Prohibited Contributions  
Democracy USA (C00589176)**

**Excessive Contributions from Individuals**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
George Yntema	2/16/16	\$12,700.00	2016 April Quarterly