

Arkansans for Common Sense

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August 31, 2011

Michelle Grant
Senior Campaign Finance Analyst
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Request for Additional Information/July Quarterly Report (4/1/10-6/30/10)

Dear Ms. Grant:

This letter is in response to a Request for Additional Information mailed to Arkansans for Common Sense ("ACS") on August 15, 2011 and received by ACS on August 22, 2011.

The letter states that each "[c]ontributor who made a donation in excess of \$200 to be used to fund independent expenditure(s) must be itemized on Schedule 5-A, including identification information." The letter then cites 11 C.F.R. § 109.10(e)(1)(vi) and 11 C.F.R. § 114.10(f) as the basis for requesting that ACS disclose the identity of its contributors.

The Commission's regulations, however, do not require a non-profit organization to disclose the identity of contributors whose donations were eventually used to pay for independent expenditures. Instead, the disclosure of contributor identity is only required if the "contribution was made for the purpose of furthering the reported independent expenditure." 11 C.F.R. § 109.10(e)(1)(vi). Accordingly, disclosure is only required if a contributor gave funds with the intent that they would be used to make a specific independent expenditure. See MUR 6002 (Freedom's Watch, Inc.) Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn at 5 ("[A] donation must be itemized on a [non-profit organization's] independent expenditure report only if such donation was made for the purpose of paying for the communication *that is the subject of the report.*" (emphasis in original)).

Contributors to ACS made contributions to support ACS's general purpose of educating the public on a wide range of issues of general concern, not for the purpose of making any specific independent expenditure. Accordingly, none of the contributors to ACS are required to be disclosed on Schedule 5-A pursuant to 11 C.F.R. § 109.10(e)(1)(vi).

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Nor is ACS required to disclose its contributors pursuant to 11 C.F.R. § 114.10(f). Section 114 only applies to independent expenditures made by qualified non-profit corporations. ACS is not a qualified non-profit corporation and has never sought certification from the Commission as a qualified non-profit corporation. Accordingly, 11 C.F.R. § 114.10(f) simply does not apply to ACS.

Sincerely,



Ben Noble
Executive Director

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Federal Election Commission
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