



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

RQ-2

November 12, 2003

Joseph Solmonese, Treasurer  
Emily's List  
1120 Connecticut Avenue NW  
Ste. 1100  
Washington, DC 20036

**Response Due Date:**  
**December 12, 2003**

Identification Number: C00193433

Reference: July Monthly Report (6/1/03 - 6/30/03)

Dear Mr. Solmonese:

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. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A supporting Line 15 of your report discloses a payment(s) from a federal candidate committee(s) for goods and/or services provided by your committee. 11 CFR §100.7(a)(1)(iii)(A) states that "...the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples of goods and services include equipment, supplies, personnel, membership lists and mailing lists. The term "usual and normal charge" for goods is defined as "...the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution". The usual and normal charge for services is defined as "...the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered." 11 CFR §100.7(a)(1)(iii)(B)

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Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided to the federal candidate committee(s) and explain the steps your committee took in determining the amount(s) charged. If your committee provided the goods and/or services at less than the usual and normal charge, the difference between the two is considered to be an in-kind contribution by your committee to the federal candidate committee(s) and is subject to the limits set forth at 2 U.S.C. §441a. (11 CFR §100.7(a)(1)(iii)(A))

-Your report disclosed the receipt of memo earmarked contributions on Schedule A, but does not include any corresponding memo disbursements on Schedule B. All earmarked contributions must be forwarded to the recipient candidate committee within 10 days of receiving the contribution. §102.8(a) and (c). Please amend your report by providing the omitted memo disbursement schedules for all memo earmarked contributions disclosed by your committee.

-Schedule A, supporting Lines 11(a)(i) and 15 of your report discloses \$33,509.82 in receipts that were to be "transferred to non-federal 7/17/03" or "transferred to non-federal July 2003." However, a review of your August Monthly Report discloses transfers to your non-federal account(s) totaling only \$12,879.91. Please provide clarification regarding this discrepancy.

-On Schedule H3, you have disclosed the name of your non-federal account to be "NationsBank" and "Merrill Lynch." Please amend your report to identify the full name of the non-federal account from which each transfer-in is made. 11 CFR §§104.10 and 104.17

-Schedule H4 of your report discloses voided or returned checks for expenditures made during this or previous reporting periods. Please clarify if and when these checks were reissued. If they were not reissued, please clarify the steps your committee has taken to account for the federal portion of these voided or returned checks in order to avoid the acceptance of a prohibited in-kind contribution.

-Please clarify all expenditures made for "video production" 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

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-Schedule B supporting Line 23 of your report discloses several contributions to federal candidates which are designated for the 2000 General Election. However, it appears that these candidates were not involved in this election. Please provide clarification regarding this discrepancy.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. 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.

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 1, then press 2 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Brandy Phillips  
Campaign Finance Analyst  
Reports Analysis Division

