



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 23, 2005

Britt Cocanour, Treasurer
Emily's List
1120 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036

Response Due Date:
January 23, 2006

Identification Number: C00193433

Reference: March Monthly Report (2/1/05-2/28/05)

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

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule B supporting Line(s) 21(b) of your report to clarify the following description(s): "Mail House." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Please clarify all expenditures made for "Catering/Facilities" and "Consulting Fundraising" on Schedule 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 or E supporting Lines 23 or 24 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

-Schedule B discloses an expenditure(s) for "Copying/Faxing," "Design/Graphics," "Phone Banks," "Photography," "Postage" and "Printing." If a portion or all of these expenditures were for public communications (as defined by 11 CFR §100.26) and voter drive activity (under 11 CFR §106.6(b)(2)(i)) containing express advocacy as defined

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under 11 CFR §100.22, this would constitute an in-kind contribution or an independent expenditure and should be properly disclosed on a Schedule B or E supporting Line 23 or 24 as appropriate. Public communications and voter drive activity that refer to a clearly identified Federal candidate, but that do not expressly advocate the election or defeat of that candidate should be reported on Schedule B for Line 21(b) of the Detailed Summary Page. Please clarify whether this activity contained express advocacy and amend your report to properly disclose this activity, if necessary.

-Schedule B supporting Line 21(b) of your report discloses negative entries for the receipt of apparent credits during this or previous reporting periods. Please be advised that the receipt of offsets to operating expenditures should be disclosed on Schedule A supporting Line 15 of the Detailed Summary Page if the vendor wrote a refund/rebate check on its account. If a check was not written by the vendor, and your committee received a credit instead, a negative entry may be used, but further clarifying information is required to ensure that your committee did not receive a prohibited corporate in-kind contribution 11 CFR. §100.52 (d)(1). Please amend your report to properly disclose this activity or provide clarifying information.

-Schedule A supporting Lines 15 and 17 of your report discloses several offsets to operating expenditures and other Federal receipts from individuals and Federal committees with the additional text of "Copies," "Deliveries," "Local Transportation," "Office Supplies & Expenses," "Parking," "Postage," "Telephone," "Travel & Accommodations" and "Computer Equipment;" however, your report does not appear to disclose a prior disbursement to these individuals or committees for the purposes indicated above. Please provide clarifying information regarding this activity and amend your report(s) if necessary.

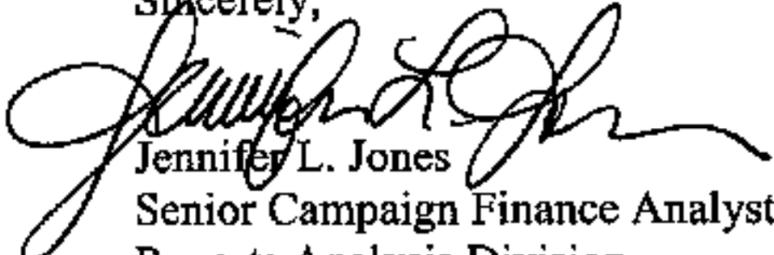
-Schedule A supporting Line 15 of your report discloses a payment from Information Management Services. It appears this receipt was for goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". 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. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1) and (2)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be an in-kind contribution received by your committee from a corporation and is prohibited subject to the limits set forth at 2 U.S.C. §441b(a)

Please note, 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 5 to reach the Reports Analysis Division) or my local number (202) 694-1393.

Sincerely,


Jennifer L. Jones
Senior Campaign Finance Analyst
Reports Analysis Division

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