

MISCELLANEOUS TEXT (FEC Form 99)

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In response to the commission's notice dated 8/7/12 in reference to 24-hour notice received 3/16/12:

Our organization is in receipt of the commission's notice referenced above. The commission notes that the organization has not itemized all of the necessary information for the independent expenditures reported. The commission is specifically referring to the section of the disbursement entry which asks for Election, Year, Office Sought, State, and District of the federal candidate supported or opposed by the expenditure. The commission references 11CFR 109.10(e)(1). That regulation states the following (specific to this issue):

Content of the verified reports and statements and verification of reports and statements

1.Contents of verified reports and statement. If a signed report or statement is submitted, the report or statement shall include

iv.A statement that indicates whether such expenditure was in support of, or in opposition to a candidate together with the candidate's name and office sought

In the case of the expenditures in question, the above was indicated. The commission seems to be requiring this section of the expenditure entry to indicate the state in which the expenditure was made. However, that is not what the

regulation states. The organization takes the position that this section of the disbursement entry simply is asking for

the information specific to the candidate. In the case of a presidential candidate, there is no 'state' required.

Furthermore, when using the FECFile software that the commission provides, the 24 hour report requires the state in which the expenditure was made to be indicated before the report can be prepared.

The organization assumed that information was passed along to the commission in the electronic submission of the report. Support for this assumption can be drawn from the reports filed by the organization. For example, on March 10, 2012, the organization filed two separate 24-hour reports indicating on one that the expenditures were for Alabama, and on the second, that the expenditures were for Mississippi. It has only recently come to the attention of the organization that this information is requested by the commission but in fact, not passed along to the commission

via the electronic filing process. The organization takes the position that this is a limitation of the software the commission

has distributed for use and asks the commission to correct that software limitation.
