

ETEXT ATTACHMENT

10/22/2004 18 : 28

Federal Election Commission Inquiry
October 22, 2004

Democratic Party of Wisconsin
Identification Number: C00019331
Reference: August Monthly Report (7/1/04-7/31/04)

Response Due Date: October 22, 2004

Attn: Maureen Benitz
Senior Campaign Finance Analyst, Reports Analysis Division

Inquiry: Schedule A supporting Line 17 of your report discloses a payment(s) from a federal candidate committee(s) for goods and/or services provided by your committee. Please clarify whether your committee assessed the usual and normal charge for 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.

Response: The Democratic Party of Wisconsin (DPW) did assess the usual and normal charge for the goods and/or services provided to the purchasing entities. Consistent with FEC Advisory Opinion Number 2002-14, the DPW mailing list has been developed over a period of time, has a unique nature, and does not constitute merely a list or lists that were purchased from other sources. The DPW ascertains fair market value, consistent with it's understanding of similar commercial products, and then enters into a bona fide, contractual, arm's length transaction with the purchaser - with consistent pricing for similar product. The DPW, valuing its list, did not provide the goods and/or services at less than the usual and normal charge, and therefore concludes that no contribution has occurred.

Inquiry: Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. 441a(f) and 11 CFR 110.1(c) prohibit a state, district or local party committee (combined) from receiving any contribution from a personal or non-multicandidate political committee in excess of \$10,000 per calendar year.

Response: The receipts in question are from a federal candidate committee (Tammy Baldwin for Congress) and, as such, are comprised, in part, of "excess funds" . The DPW understands contributions from federal candidates to be unlimited, in that receipts in excess of \$10,000 per calendar year constitute excess funds from federal candidate committees.