

RQ-2



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 11, 2004

Luther Allan Markwart, Treasurer  
American Sugarbeet Growers Association  
Political Action Committee  
1156 15th St NW Suite 1101  
Washington, DC 20005

**Response Due Date:**  
**March 12, 2004**

Identification Number: C00167684

Reference: Year-End Report (7/1/03-12/31/03)

Dear Mr. Markwart:

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 of your report discloses one or more contributions from an organization, which is not a political committee registered with the Commission (see attached). In addition, the contribution(s) appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) precludes a political committee from receiving contributions from a person or another committee in excess of \$5,000 in a calendar year. Also, in order to make contributions to your committee, organizations which are not political committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution. 11 CFR §102.5(b)

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of 2 U.S.C. §§441a(f) and 441b. If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR §102.5(a).

AMERICAN SUGARBEET GROWERS ASSOCIATION POLITICAL ACTION  
COMMITTEE

PAGE 2

In order to be in compliance with the Act, your committee must: 1) refund to the donor or transfer-out to a non-federal account, the amount in excess of \$5,000 within 60 days of receipt and provide written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored. And 2) determine the extent to which your committee received funds that are not permissible, and refund or transfer-out the prohibited funds.

To the extent that your committee has received prohibited funds, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. Should you choose to transfer-out or refund the funds, the Commission will presume the funds were impermissible, absent a statement from your committee to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which they are made.

Although the Commission may take further legal action concerning the acceptance of prohibited and excessive contribution(s), your prompt refund or transfer-out will be taken into consideration.

-Schedule A of your report discloses aggregate year-to-date totals for contributions received from individuals which appear to be incorrect. Please be advised that federal regulations require aggregate year-to-date totals to include only those contributions which are received during the calendar year. In the event that the aggregate year-to-date total is correct, please note that federal regulations also require the disclosure of all contributions received from individuals who have contributed over \$200. 11 CFR §104.3(a)(4) Please amend your report to provide the correct aggregate year-to-date totals.

AMERICAN SUGARBEET GROWERS ASSOCIATION POLITICAL ACTION  
COMMITTEE

PAGE 3

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) 694-1135.

Sincerely,



Maureen Benitz

Campaign Finance Analyst  
Reports Analysis Division

AMERICAN SUGARBEET GROWERS ASSOCIATION POLITICAL ACTION  
COMMITTEE

PAGE 4

Contributor Name	Date	Amount
Idaho Sugarbeet Growers	12/15/03	\$ 7,632.00
Idaho Sugarbeet Growers	12/16/03	\$ 3,503.55
Nyssa-Nampa Sugarbeet Growers	12/16/03	\$ 1,778.25
Nyssa-Nampa Sugarbeet Growers	12/16/03	\$1,624.50

