



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

July 29, 2008

Joseph Schmuckler, Treasurer
John McCain 2008 General Election Compliance Fund, Inc.
P.O. Box 16118
Arlington, VA 22215

**Response Due Date:
August 28, 2008**

Identification Number: C00446104

Reference: July Monthly Report (6/1/08 – 6/30/08)

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. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 items:

1. Schedule A-P of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,300 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §§ 441a(a) and (f); 11 CFR §§ 110.1(b), (e) and (k))

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If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

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If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 28 of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A-P of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §§ 104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

2. Schedule A-P of your report discloses contributions and transfers from political committees but fails to include the full and/or recognizable name. Reporting only the name of the connected organization, abbreviating the name of the committee so it is unrecognizable or using an indistinguishable acronym is inadequate. (11 CFR §§ 102.14(c) and 104.3(a)(4)(ii)) A listing of the full FEC-registered committee names, FEC Committee ID numbers and approved acronyms can be found on the FEC web site (www.fec.gov) or can be obtained by contacting the FEC Public Disclosure Division. Please amend your report to include the missing information.

3. Your report discloses the receipt of a contribution(s) from a limited liability corporation. Generally, these types of contributions are attributed to each person based on their percentage of ownership in the firm. However, any other acceptable formula may be used. Each person who has contributed in excess of \$200 since the beginning of election cycle should be identified, on a memo Schedule A-P, by name, address, occupation, name of employer, amount of contribution, and aggregate total. (11 CFR § 110.1)

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Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. 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. Requests for extensions of time in which to respond will not be considered.

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 at a local number listed below.

Sincerely,



Leah S. Palmer
Senior Campaign Finance Analyst
Reports Analysis Division
(202) 694-1154



Jennifer E. Pittman
Senior Campaign Finance Analyst
Reports Analysis Division
(202) 694-1166

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Excessive and/or Prohibited Contributions
 John McCain 2008 General Election Compliance Fund, Inc. (C00446104)
 July Monthly Report (6/1/08 - 6/30/08)

P = Primary Election
 G = General Election

CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
'BAHRE','ROBERT'	6/30/2008	2300	G2008
'BAHRE','ROBERT'	6/30/2008	2300	G2008
'BARRETT','WILLIAM'	3/10/2008	250	G2008
'BARRETT','WILLIAM'	6/30/2008	2300	G2008
'BARTH','ROBERT'	6/30/2008	2300	G2008
'BARTH','ROBERT'	6/30/2008	2300	G2008
'ESSER','MICHAEL'	4/17/2008	2300	G2008
'ESSER','MICHAEL'	6/30/2008	2300	G2008
'JONES','ALFRED'	5/31/2008	1300	G2008
'JONES','ALFRED'	6/4/2008	2300	G2008
'KOHLER','HERBERT'	5/12/2008	100	G2008
'KOHLER','HERBERT'	5/12/2008	100	G2008
'KOHLER','HERBERT'	6/30/2008	2300	G2008
'LEON','BENJAMIN'	5/31/2008	2300	G2008
'LEON','BENJAMIN'	6/30/2008	2300	G2008
'REED','JOEL'	5/31/2008	2300	G2008
'REED','JOEL'	6/30/2008	2300	G2008
'RICHMOND','STEVEN'	3/5/2008	100	G2008
'RICHMOND','STEVEN'	3/17/2008	200	G2008
'RICHMOND','STEVEN'	5/31/2008	2000	G2008
'RICHMOND','STEVEN'	6/30/2008	200	G2008
'SHANNON','MICHAEL'	4/30/2008	2300	G2008
'SHANNON','MICHAEL'	6/4/2008	4600	G2008
'SHANNON','MICHAEL'	6/18/2008	-2300	G2008
'SUDLER','CLAIRE'	5/31/2008	2300	G2008
'SUDLER','CLAIRE'	6/30/2008	2300	G2008

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