



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 19, 2009

Paul Kilgore, Treasurer
Mike Crapo for U.S. Senate
P.O. Box 1948
Boise, ID 83701

Response Due Date:
April 20, 2009

Identification Number: C00330886

Reference: Year-End Report (10/1/08 – 12/31/08)

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. **An adequate response must be received at the Senate Public Records Office by the response date noted above. 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 5 items:

1. Schedule A 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 \$2,400 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

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extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

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)(1).

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 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A 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. Your report contains incorrect Column B figures for Lines 7(a), 7(c), 11(a)(iii), 11(c), 17, and 22 of the Summary and Detailed Summary Page information. When aggregating and reporting receipts and disbursements, candidate committees are required to disclose their activity on an election-cycle basis, from 11/3/04 to 11/2/10. Please amend your report to show election cycle-to-date figures for all aggregate amounts. (2 U.S.C. § 434(b))

3. Some of the contributions itemized on Schedule A of your report appear to have incorrect values in the "Election Cycle-to-Date" field. This field should reflect the total amount that the committee received from the contributor in the current election cycle, from 11/3/04 through the date of receipt of the contribution. (11 CFR § 104.3(a)(3)) Some of the election cycle-to-date totals reported on your Schedule A do not appear to include all contributions from the contributor received in this election cycle. Failure to correctly total contributions received from a given source in the election cycle could lead to acceptance of excessive contributions by the committee.

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Please review your procedures for compliance with this requirement and amend your report(s) as necessary. Incorrect aggregate election cycle to date totals for contributors listed on your report include the following:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>Reported ECTD Total</u>	<u>ECTD Total Calculated by the FEC</u>
Getz, Charles	11/14/2006	\$225.00		
Getz, Charles	11/6/2008	\$300.00	\$300.00	\$525.00
Gilley, Joel	2/27/2008	\$1,000.00		
Gilley, Joel	11/24/2008	\$500.00	\$500.00	\$1,500.00
Nordhoff, Henry L.	3/17/2006	\$500.00		
Nordhoff, Henry L.	12/26/2008	\$1,500.00	\$1,500.00	\$2,000.00
Skidmore, Richard	3/15/2007	\$200.00		
Skidmore, Richard	12/16/2008	\$300.00	\$400.00	\$500.00

If you need more information, please contact the undersigned analyst.

4. Your report discloses interest receipts from banks which have not been previously disclosed on your Statement of Organization (FEC FORM 1). Commission Regulations require that each political committee disclose the name of all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds. Please amend your Statement of Organization to disclose all committee depositories. (11 CFR § 102.2(a)(1)(vi))

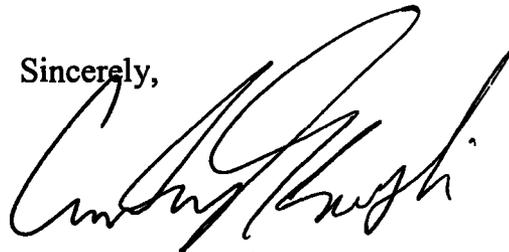
5. Your committee has previously established that it has been using "best efforts" to obtain the occupations and names of employers for contributors. This report discloses a significant increase in the number of entries for which the occupations and/or employers are not provided. Please note that the committee must make, in addition to the original solicitation, at least one additional written or oral request for the information within 30 days of the receipt of the contribution. A written request may not include an additional solicitation or material on any subject other than thanking the contributor for the contribution, and must include a pre-addressed post card or envelope for the contributor's response. An oral request must be documented in writing. (11 CFR §§ 104.3(a)(4)(i) and 104.7)

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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.**

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. 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) 694-1167.

Sincerely,



Andrew Karwoski
Campaign Finance Analyst
Reports Analysis Division

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Excessive and/or Prohibited Contributions
Mike Crapo for U.S. Senate (C00330886)
Year-End Report (10/1/08 - 12/31/08)

P = Primary Election
G = General Election

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Ambrosiani	Jack	9/1/2008	\$1,000.00	P2010
Ambrosiani	Jack	12/29/2008	\$2,000.00	P2010
Johnson	Eleanor	1/2/2008	\$1,000.00	P2010
Johnson	Eleanor	11/24/2008	\$2,300.00	P2010
Rinker	Harry	9/8/2006	\$1,000.00	P2010
Rinker	Harry	12/16/2008	\$3,000.00	P2010
Seidel	Joseph	11/19/2005	\$1,000.00	P2010
Seidel	Joseph	10/14/2008	\$2,000.00	P2010
Thornburgh	Richard Edward	11/19/2005	\$1,000.00	P2010
Thornburgh	Richard E.	10/14/2008	\$2,000.00	P2010
Massachusetts Mutual Life Insurance Co. PAC		11/9/2006	\$2,500.00	P2010
Mass Mutual		7/31/2007	\$2,500.00	P2010
Massachusetts Mutual Life Insurance Co. PAC		10/16/2008	\$1,000.00	P2010
Performant Financial Corp. PAC		9/8/2006	\$2,500.00	P2010
Performant Financial Corp. PAC		10/1/2007	\$2,500.00	P2010
Performant Financial Corp. PAC		12/30/2008	\$2,500.00	P2010

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