



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 7, 2009

Jan Churchill, Treasurer
Nevada State Democratic Party
409 Horn Street
Las Vegas, NV 89107

**Response Due Date:
February 9, 2009**

Identification Number: C00208991

Reference: 30-Day Post-General Report (10/16/08-11/24/08)

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 7 items:

1. 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 §110.2(d) prohibit a state, district or local party committee (combined) from receiving any contribution from a multicandidate political committee in excess of \$5,000 per calendar year.

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. The funds can be retained if within 60 days of receipt you (1) transferred the excessive 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. 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 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or

29039972357

refund. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

2. Schedule A supporting Line 15 of your report discloses an offset to an operating expenditure(s) totaling \$5,345 from "Deposit"; however, your report(s) does not appear to disclose a disbursement to this entity. Please amend your report to provide the full name and address of the vendor you received the refund from or provide clarifying information regarding this activity.

3. Schedule B of your report (see attached) discloses one or more apparent contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any of the apparently excessive contributions represent payments made for exempt party activities, as defined in 11CFR §§100.80, 100.87, 100.89, 100.140, 100.147 and 100.149, then these disbursements are exempt from the definition of a contribution or expenditure and should not be reported as contributions on Line 23.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

4. Please amend your report by providing the address for each disbursement itemized on Schedule(s) B supporting Line(s) 30(b).

5. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Absentee ballot robo calls", "Early vote literature", "Early vote mailpiece", "Robo calls for absentee voters" and "Robo calls to get out the vote" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

6. Please clarify all expenditures made for "Catering" on Schedule(s) B. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E or F supporting Lines 23, 24 or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

7. Schedule A supporting Line 12 discloses a transfer(s)-in from "Democratic Congressional Campaign Committee" and "Democratic National Committee". Schedule B supporting Line 30(b) reflects payments for "Buttons, stickers, car magnets", "Doorhangers", "T-shirts", "Volunteer exempt mail", "Volunteer exempt mail piece", "Volunteer exempt mailpiece" and "Vote early doorhangers". Please be advised that a state or local party committee may pay for campaign materials (such as pins, posters, bumper stickers and yard signs) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general

29039972359

election and for voter drive activity conducted on behalf of the party's Presidential and Vice Presidential nominees. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Party Committees.

Please clarify the nature of the transfer(s)-in and subsequent payments for the aforementioned disbursement(s). If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate.

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 my local number (202) 694-1141.

Sincerely,



Daniel T. Buckley
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive Contribution From a Committee

Contributor Name	Date	Amount	Report
International Union of Operating Engineers	10/20/2008	\$2,829.00	2008 30-Day Post-General Report
International Union of Operating Engineers	10/24/2008	\$2,360.28	2008 30-Day Post-General Report
International Union of Operating Engineers	10/24/2008	\$3,393.33	2008 30-Day Post-General Report

Excessive Contribution To a Candidate

Recipient Name	Date	Amount	Election	Report
Dina Titus	10/17/2008	\$7,500.00	G-2008*	2008 30-Day Post-General Report
Dina Titus	10/20/2008	\$20,600.00	G-2008*	2008 30-Day Post-General Report

*Schedule B of your report does not disclose a designation for this contribution. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2008 General.

29039972361