



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 15, 2009

Xavier Martinez, Treasurer  
San Diego County Democratic Party (Fed. Acct.)  
8304 Clairemont Mesa Boulevard  
Suite 108  
San Diego, CA 92111-1315

Response Due Date:  
May 15, 2009

Identification Number: C00402826

Reference: June Monthly Report (5/1/08 – 5/30/08)

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 H6 supporting Line 30(a) of your report discloses \$11,392.09 in activity identified as MEMO entries that do not appear to correspond with any itemized transaction(s). Please be advised, a memo entry is used to disclose additional information about an itemized transaction and the amount of a memo entry is not included in the total receipts or disbursements for the report. Please amend your report to provide clarifying information regarding this activity.

2. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Slate mailers MBR-7 fed and non-fed candidates & state & local propositions," "slate mailer-5 candidates fed & non-fed & state propositions," "FEA 100% Federal: slate mailer," "slate flyer-5 fed & 23 other candidates & 6 propositions," "postage for slate mailer," "FEA 100% Federal: postage for mailing," and "FEA 100% Federal: post cards & brochures," which are 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

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§100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

3. Please clarify all expenditures made for "FEA 100% Federal: Event fee" and "Fundraising fee for federal acct" 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

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.

**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) 694-1172.

Sincerely,



Alexandra T. Broomhead  
Campaign Finance Analyst  
Reports Analysis Division