



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 3, 2004

Mr. Douglas B. England, Treasurer
Indiana Democratic Congressional Victory
Committee
One North Capitol, Suite 200
Indianapolis, IN 46204

Response Due Date:
December 3, 2004

Identification Number: C00108613

Reference: September Monthly Report (8/1/04-8/31/04)

Dear Mr. England:

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 (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 §110.1(c) prohibit a state, district or local party committee (combined) from receiving any contribution from a person or non-multicandidate political committee in excess of \$10,000 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, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the

INDIANA DEMOCRATIC CONGRESSIONAL VICTORY COMMITTEE

Page 2

contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, 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 reattributions or 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 refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. 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.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

-Schedule B supporting Line 21(b) of your report discloses a payment(s) totaling \$53,057.67 for "Absentee Mailing" and "postage." Expenditures and disbursements for public communications (as defined under 11 CFR §100.26) 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, 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

INDIANA DEMOCRATIC CONGRESSIONAL VICTORY COMMITTEE

Page 3

Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b). Please amend your report to properly disclose this activity or provide clarifying information.

-Your report discloses a total of \$41,546.92 in prepayments from Federal candidates and committees on Schedule A. However on Schedule B, it appears that there are only \$26,027.90 in payments for services on behalf of these candidates and committees. Please clarify this apparent discrepancy.

-Your report does not disclose any payments for salary or wages on Schedule B supporting Line 30(b) of the Detailed Summary Page. 11 CFR §100.24 defines as Federal Election Activity, services provided by an employee of a State, district or local party committee who spends more than 25 percent of their time during that month on activities in connection with a Federal election. You are advised that payments for salaries and wages for employees who spend more than 25 percent of their compensated time in a given month on Federal Election Activity or activities in connection with a Federal election must be made with Federal funds only. Please provide clarification regarding the lack of payments for salary and wages disclosed by your committee.

-Schedule F of your report discloses the Aggregate General Election Expenditure(s) for Evan Bayh to be \$127,398.57. However, FEC calculations disclose this amount(s) to be \$359,069.64. Please amend your report to clarify this discrepancy.

-The limitation on making coordinated party expenditures on behalf of a Senate candidate for the 2004 general election is \$342,655. Your reports, however, disclose coordinated party expenditures made on behalf of Evan Bayh totaling \$359,069.64, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

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

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in

INDIANA DEMOCRATIC CONGRESSIONAL VICTORY COMMITTEE

Page 4

writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) H4 of your report to clarify the following description(s): "2004 Coord." and "office." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Please clarify all expenditures made for "room rental" on Schedule(s) H4. 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

-Your report disclosed a category of financial activity that has been reflected on the wrong line of the Detailed Summary Page. Transfers from affiliated committees should be properly disclosed on a separate Schedule A, supporting Line 12 of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

-Schedule B supporting Line 21(b) of your report discloses a payment(s) for "voter file service" which appears to be disclosed on the wrong line of the Detailed Summary Page. Please be advised that Voter Identification, Generic Campaign and Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot is considered to be Federal Election Activity. 11 CFR §100.24 Please amend your report to properly disclose this activity on Line 30(b) or provide clarification regarding this activity.

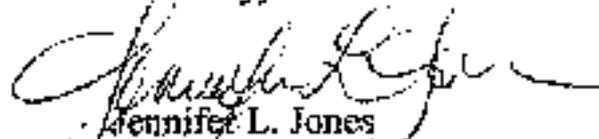
Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond 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.

INDIANA DEMOCRATIC CONGRESSIONAL VICTORY COMMITTEE

Page 5

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) 694-1393.

Sincerely,



Jennifer L. Jones
Campaign Finance Analyst
Reports Analysis Division

203

INDIANA DEMOCRATIC CONGRESSIONAL VICTORY COMMITTEE

Page 6

Excessive Contributions from an Individual

Contributor Name	Date	Amount	Report
Hon. Connie Nass	08/11/2004	\$15,135	2004 September Monthly Report

Excessive Coordinated Expenditures on Behalf of a Senate Candidate

Candidate	Total Expenditures on Report	Report
Evan Bayh	\$2,980.54	2004 Amended March Monthly Report
Evan Bayh	\$105,126.59	2004 Amended April Monthly Report
Evan Bayh	\$51,075	2004 Amended May Monthly Report
Evan Bayh	\$35,698.67	2004 Amended June Monthly Report
Evan Bayh	\$12,373.02	2004 Amended July Monthly Report
Evan Bayh	\$24,416.25	2004 August Monthly Report
Evan Bayh	\$127,398.57	2004 September Monthly Report

