FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 20, 2007

Melvyn I. Monzack, Treasurer
Biden for President Inc.
P.O. Box 438
Wilmington, DE 19899

Response Due Date:
December 21, 2007

Identification Number: C00431916

Reference: October Quarterly Report (7/1/07 – 9/30/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 9 items:

1. Column B figures for the Summary and Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for Lines 17(a), 17(e) and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals. (2 U.S.C. § 434(b))

2. 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. Please note that this problem frequently occurs when the contributor name is entered in the committee's electronic reporting database more than once using a different spelling and/or format. This prevents the

27039564396

database from properly aggregating contributions from the same individual or entity. Entering correct election cycle dates and ensuring that the name of each contributor is entered into the database only once would help avoid election cycle-to-date errors. When reporting contributions from political action committees, using the contributor's FEC identification number will help prevent duplicate entries.

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:

Name	Date	Amount	Reported ECTD Total	ECTD Total Calculated by the FEC
Babcock, Kieth	9/30/07	$1,000.00	$1,000.00	$2,000.00
Davis, Henry C. III	7/19/07	$1,000.00	$1,000.00	$2,600.00
Gaier, Mathew	8/16/07	$750.00	$750.00	$960.00
Gutman, Henry	7/19/07	$2,000.00	$2,000.00	$4,100.00
Hunsinger, Christine	8/30/07	$250.00	$300.00	$650.00
Moore, Thomas A.	8/16/07	$1,500.00	$1,500.00	$2,200.00
Rubino, Carmino	8/16/07	$750.00	$750.00	$960.00

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

3. The election cycle-to-date totals for certain entries on your report indicate that additional contributions should have been itemized. When contributions from an individual reach $200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. Additionally, each contribution from a political committee must be itemized, regardless of the amount (2 U.S.C. § 434(b) and 11 CFR § 104.3(a)(4)). Please amend your report to correct the discrepancies in the aggregate totals for:

Arenson, Gerald J.
Foley, Faith
Whitaker, Rhoda Jan

4. Your report discloses $242,887.52 in un-itemized individual contributions on Line 17(a), Column A, of the Detailed Summary Page. When contributions from an individual reach $200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. The itemization should include the full name, mailing address and zip code of the person, along with the name of his/her employer, the date of the contribution, his/her occupation, the election

designation and the election cycle-to-date amount of contributions made by the person. Please amend your report to provide a Schedule A-P if necessary, or to clarify that for the contributions in question, the aggregate total for the election cycle for each contributor does not exceed $200. (11 CFR § 104.3(a)(4)(i))

5. Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of $200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur <u>no later than 30 days</u> after receipt of the contribution and may be in the form of a request via mail, e-mail or telephone documented in writing. (11 CFR § 104.7(b)(2)) Follow-up requests should be done, if necessary. These requests must be documented clearly in the form of written records. The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A-P listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide for Congressional Committees and Candidates.

6. Commission Regulations define the term "purpose" to mean a brief statement or description of why a disbursement was made. Examples are "dinner expense," "media," "salary," "polling," "travel," "party fees," "phone banks," "travel expenses," "travel expense reimbursement," and "catering costs." Examples of election day and voter registration activity include "exit polling," "door-to-door get out the vote," "get out the vote phone calls," and "driving voters to the polls." Unacceptable descriptions, which require additional clarification, include but are not limited to "advance," "consulting," "political consulting," "commission," "contract labor," "retainer," "election day expense," "expenses," "invoice," "support," "expense reimbursement," "miscellaneous," "professional services," "get-out-the-vote," "voter registration," and "**consultant fee.**" (11 CFR § 104.3(b)(4)(A))

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register can be found at http://www.fec.gov/law/policy/purposeofdisbursement/notice_2006-23.pdf. Please amend Schedule B-P of your report to correct the descriptions that do not meet the requirements of the Regulations.

7. For future reports, please be advised that contributions to other committees or charitable organizations are not operating expenditures. These amounts should be disclosed on Line 29 of the Detailed Summary Page information and itemized on a separate Schedule B-P. (11 CFR § 104.3(b)(2))

8. Your report discloses the receipt of contributions from limited liability corporations. 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 January 1 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)

9. Schedule A-P of your report contains entries for contributions made by more than one person. For contributions made by more than one individual in a single written instrument, you must report the amount attributed to each contributor along with all the required contributor information (full name, address, occupation and employer) in a separate entry for each person. See 11 CFR §§ 100.12, 104.8(a), (b) and (d)(1) and the Campaign Guide for Congressional Candidates for additional clarification.

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.**

<u>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</u>. 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) 694-1168.

Sincerely,

Michelle Lee Grant

Michelle Lee Grant
Senior Campaign Finance Analyst
Reports Analysis Division

495