



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 22, 2016

LORNA KUNEY, TREASURER
ZINKE FOR CONGRESS
PO BOX 1596
HELENA, MT 59624

Response Due Date

01/26/2017

IDENTIFICATION NUMBER: C00550871

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2016 - 09/30/2016)

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 5 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). The Commission notes your additional explanation regarding the committee's corrective action taken for some of these contributions.

An individual or a political committee other than an authorized committee or a qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,700 per election. An authorized committee may not make a contribution(s) 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. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR §§ 110.1(b), (e) and (k), and 102.13(c))

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

Please be reminded that all refunds, redesignations and reattributions must be

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made within 60 days of receipt of the contribution. To date, one or more of the apparent excessive contributions have not been refunded, redesignated, or reattributed.

For reattributions, the funds can be retained if, within 60 days of receipt, the excessive amount was properly reattributed to another person. 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 who signed the check an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount was properly designated 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) the 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)) A contribution can only be redesignated to a previous election to the 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, the excessive amount must be refunded. (11 CFR § 103.3(b)(1))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund

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checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20(a), (b), or (c), as applicable, 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))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions received after the 2016 primary election that are designated for the 2016 primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the 2016 primary election. For more information on how to calculate net debts outstanding, please see page 27 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <http://www.fec.gov/pdf/candgui.pdf>. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

If any contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If a contribution was made by the contributor before or on the date of the applicable election, please amend your report to indicate this using memo text, or provide this information in a Miscellaneous Document (Form 99 for electronic filers).

If a contribution exceeds the amount of net debts outstanding from the 2016 primary election, you may have to refund or redesignate the contribution.

The funds can be retained if, within 60 days of receipt, the excessive amount

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was 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) the 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))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters redesignating the contributions in question. Refunds are reported on Line 20(a), (b) or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate the excessive amount will be taken into consideration.

3. Schedule A of your report discloses one or more contributions that appear to be from a limited liability corporation (LLC) (see attached). 11 C.F.R. §110.1(g) allows the receipt of contributions from LLCs providing the LLC is treated as a partnership for tax purposes, and has not elected to be treated as a corporation by the Internal Revenue Service (IRS). Both LLCs that claim corporate status and those that publicly traded would be treated as corporations for FECA purposes.

Please amend your report to clarify if the LLCs in question are treated as partnerships. If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information. 52 U.S.C. § 30116(f) (formerly 2 U.S.C. §441a(f))

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prohibits a candidate for federal office from accepting contributions from a person in excess of \$2,700 per election. A partnership is included in the definition of "person" under 52 U.S.C. § 30101(11) (formerly 2 U.S.C. §431(11)).

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund was made. (11 CFR § 104.8(d) (4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

4. Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

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If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

5. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following description: "2nd & 3rd Quarter Commission." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register is available on the FEC website at www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

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. For additional information about the report review process or specific filing information for your committee type, please visit <http://www.fec.gov/rad/>. 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) 694-1187.

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Sincerely,

A handwritten signature in black ink that reads "Laura Beaufort". The signature is written in a cursive style with a prominent loop at the end of the last name.

Laura Beaufort
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

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**Excessive, Prohibited, and Impermissible Contributions
Zinke for Congress (C00550871)**

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Beck, Carter E	8/10/16	\$5,400.00	G2016
Boylan, Michael B	9/2/16	\$2,700.00	G2016
Boylan, Michael B	9/6/16	\$1,000.00	G2016
Bradley, Beau R	8/23/16	\$2,700.00	G2016
Bradley, Beau R	9/23/16	\$2,700.00	G2016
Bradley, Beau R	10/19/16	-\$1,500.00	G2016
Cavender, Ann E Ms	6/20/16	\$1,000.00	G2016
Cavender, Ann E Ms	7/25/16	\$200.00	G2016
Cavender, Ann E Ms	8/12/16	\$2,000.00	G2016
Cavender, Ann E Ms	9/12/16	\$700.00	G2016
Craig, Jenny	6/2/16	\$2,700.00	G2016
Craig, Jenny	8/9/16	\$1,700.00	G2016
Craig, Jenny	8/22/16	\$1,700.00	G2016
Craig, Jenny	10/19/16	-\$1,700.00	G2016
Delay, Mary B Ms	11/23/15	\$1,550.00	G2016
Delay, Mary B Ms	12/21/15	\$1,350.00	G2016
De Lay, Mary B Mrs	7/7/16	\$500.00	G2016
Fulton, Stan Mr	8/19/16	\$2,700.00	G2016
Fulton, Stan Mr	9/20/16	\$2,700.00	G2016
Gardner, Betty Mrs	10/1/15	\$10.00	G2016
Gardner, Betty Mrs	10/19/15	\$339.00	G2016
Gardner, Betty Mrs	12/14/15	\$509.00	G2016
Gardner, Betty Mrs	1/11/16	\$500.00	G2016
Gardner, Betty Mrs	2/22/16	\$400.00	G2016
Gardner, Betty Mrs	2/29/16	\$500.00	G2016
Gardner, Betty Mrs	4/18/16	\$234.00	G2016
Gardner, Betty Mrs	5/10/16	\$117.00	G2016
Gardner, Betty Mrs	6/23/16	\$58.00	G2016
Gardner, Betty Mrs	7/18/16	\$87.00	G2016
Gardner, Betty Mrs	7/22/16	\$44.00	G2016

**Excessive, Prohibited, and Impermissible Contributions
Zinke for Congress (C00550871)**

Excessive Contributions from Individuals, Continued

Contributor Name	Date	Amount	Election
Gates, Bruce	8/25/16	\$2,700.00	G2016
Gates, Bruce	8/25/16	\$2,700.00	G2016
Hardin, Virginia Mrs	3/31/16	\$100.00	G2016
Hardin, Virginia Mrs	8/1/16	\$2,800.00	G2016
Harshfield, Edward G	8/25/16	\$2,700.00	G2016
Harshfield, Edward G	8/25/16	\$2,700.00	G2016
Partridge, Sarah Swanson	9/30/15	\$2,000.00	G2016
Partridge, Sarah Swanson	9/30/16	\$2,000.00	G2016
Perbetsky, Hanny Ms	7/5/16	\$150.00	G2016
Perbetsky, Hanny Ms	7/25/16	\$750.00	G2016
Perbetsky, Hanny Ms	7/25/16	\$250.00	G2016
Perbetsky, Hanny Ms	8/1/16	\$250.00	G2016
Perbetsky, Hanny Ms	8/1/16	\$1,000.00	G2016
Perbetsky, Hanny Ms	8/8/16	\$200.00	G2016
Perbetsky, Hanny Ms	8/9/16	\$50.00	G2016
Perbetsky, Hanny Ms	8/12/16	\$1,500.00	G2016
Perbetsky, Hanny Ms	8/26/16	\$75.00	G2016
Perbetsky, Hanny Ms	9/12/16	\$140.00	G2016
Perbetsky, Hanny Ms	9/27/16	\$205.00	G2016
Perbetsky, Hanny Ms	10/13/16	\$65.00	G2016
Perbetsky, Hanny Ms	10/19/16	-\$205.00	G2016
Tilleman, Michael	6/30/16	\$2,700.00	G2016
Tilleman, Michael	8/25/16	\$2,600.00	G2016
Visser, Dirk C	8/25/16	\$2,300.00	G2016
Visser, Dirk C	8/25/16	\$2,700.00	G2016
Youlden, Chip	6/30/16	\$2,700.00	G2016
Youlden, Chip	9/29/16	\$2,700.00	G2016

Contributions from Possible Prohibited Entities

Contributor Name	Date	Amount	Election
Castleblack LLC	9/8/16	\$6,564.63	G2016

**Excessive, Prohibited, and Impermissible Contributions
Zinke for Congress (C00550871)**

Contributions from Unregistered Organizations

Contributor Name	Date	Amount	Election
Cascade County Rep Central Committee	8/27/16	\$123.50	G2016
Chouteau County Republican Central Committee	8/15/16	\$500.00	P2016
CTA Buildmt	9/22/16	\$1,500.00	P2016
Montana Wood Products Association	8/25/16	\$1,000.00	P2016
MT Agricultural	8/25/16	\$999.99	P2016
Park County Republican Central Committee	7/27/16	\$21.82	G2016
Republican Central Committee	7/25/16	\$500.00	P2016
Rosebud County Republican Central Committee	9/2/16	\$400.00	P2016