



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 12, 2017

ALEXANDER HORNADAY, TREASURER
RESTORE AMERICAN FREEDOM AND
LIBERTY
1624 MARKET STREET SUITE 202
DENVER, CO 80202

Response Due Date
05/17/2017

IDENTIFICATION NUMBER: C00570903

REFERENCE: AMENDED 30 DAY POST-GENERAL REPORT (10/20/2016 -
11/28/2016), RECEIVED 02/26/2017

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. The totals listed on Line(s) 11(a)(i), 11(a)(ii), 11(a)(iii), 11(d), 19, 20, 21(b), 21(c), 31 and 32, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages 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 this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the Calendar Year-to-Date totals. (52 U.S.C. §30104(b) (formerly 2 U.S.C. § 434(b)))
2. Schedule A supporting Line 11(a)(i) (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 52 U.S.C. §30116(f) (formerly 2 U.S.C. §441a(f)) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year. However, Commission records indicate that your Committee maintains a Non-Contribution Account consistent with the stipulated judgment in *Carey v. FEC*.

If the apparently excessive contribution(s) in question was deposited into your Non-Contribution Account, please amend your report to disclose the item on

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Schedule A supporting Line 17 of the Detailed Summary Page and disclose "Non-Contribution Account" in the description field or in memo text. For more information please reference the "Reporting Guidance for Political Committees that Maintain and Non-Contribution Account" at <http://www.fec.gov/pages/fecrecord/november2011/fecstatementcareyvfec.shtml>

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 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 promptly 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.

3. Schedule A of your report discloses aggregate year to date totals for contributions received from individuals which appear to be incorrect. Please be advised that federal regulations require aggregate year to date totals to include only those contributions which are received during the calendar year. In the event that the aggregate year to date total is correct, please note that federal

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regulations also require the disclosure of all contributions received from individuals who have contributed over \$200. 11 CFR §104.3(a)(4) Please amend your report to provide the correct aggregate year to date totals.

4. Schedule E supporting Line 24 of your report discloses an Independent Expenditure(s) supporting "James Jordan" for the 2016 Ohio House 4th District General election. However, the 24 hour report (11/2/16) disclosed the Office Sought information for the 2016 Ohio House 6th District General election. Please amend your report to provide the correct candidate, address, election designation, office sought, state and **district** information. 11 CFR §104.3(b)(3) (vii)

5. Your committee filed a 24 hour report (11/2/16) informing the Commission of independent expenditures made in opposition of "Hillary Clinton" designated to the 2016 General election. However, the election designation disclosed on this report(s) does not appear to correlate with the entry on Schedule E, supporting Line 24 for the reporting period, which discloses 2016 Primary election. If your committee has filed 48 hour report(s) supporting independent expenditures not reflected on your reports, you must file Schedule E during the appropriate reporting period to disclose these payments. Please amend your report to clarify this discrepancy and provide further information concerning these report(s). (11 CFR §104.4)

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 the Reports Analysis Division's Frequently Asked Questions on the FEC website. 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) 694-1157.

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Sincerely,

A handwritten signature in black ink that reads "Laura E. Sinram". The signature is written in a cursive style with a large initial 'L' and a distinct 'E'.

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

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**Impermissible, Excessive, and Prohibited Contributions
Restore American Freedom and Liberty (C00570903)**

Excessive Contribution from an Individual

Contributor Name	Date	Amount	Report
Pescio, Janet	10/12/16	\$5,000.00	2016 12 Day Pre-General
Pescio, Janet	10/25/16	\$5,000.00	2016 30 Day Post-General