



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

October 6, 2011

ASHLEY RAGAN, TREASURER
JON KYL FOR U S SENATE
PO BOX 10246
PHOENIX, AZ 85064

Response Due Date
11/10/2011

IDENTIFICATION NUMBER: C00279521

REFERENCE: JULY QUARTERLY REPORT (04/01/2011 - 06/30/2011)

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. **An adequate response must be received at the Senate Public Records Office by the response date noted above. 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 2 item(s):

1. Schedule A of your report discloses the receipt of contributions designated for the primary election that were received after the date the candidate terminated their candidacy.

The candidate was running for Congressional office until his announcement on February 10, 2011 not to seek re-election. At this time, his status as a candidate for the 2012 Election Cycle ended. Your committee is entitled to keep all primary election contributions received prior to that announcement, and is allowed to use them in accordance with 11 CFR § 113.2. However, primary election contributions received after the date of the announcement must be refunded, except to the extent there are net debts outstanding for the campaign on the date each primary election contribution is received. (11 CFR § 110.1(b)(3)(ii))

If any of the apparent primary election contributions in question were incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks. 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

JON KYL FOR U S SENATE

Page 2 of 3

made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action, your prompt action to refund these contributions will be taken into consideration.

2. While it is permissible for a person to make a contribution for the general election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and general election contributions. (11 CFR § 102.9(e)) This general election amount must be maintained in the committee's account.

Since the candidate is not seeking office and will not participate in the general election, any contribution received for the general election must be returned to the donors, in accordance with 11 CFR § 110.1(b)(3). The use of general election contributions to pay primary debts and obligations is prohibited under the Act as such use could result in individuals making contributions with respect to the primary election in excess of the \$2,500 per election limit. Any subsequent report(s) filed with the Commission must disclose the refund of any general election contributions. Refunds must be done within 60 days after the candidate's announcement not to seek office/re-election.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund. 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. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action, your prompt action to refund these contributions will be taken into consideration.

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.**

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to

JON KYL FOR U S SENATE

Page 3 of 3

file an amendment. 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) 694-1174.

Sincerely,



Caroline DeBerry
Campaign Finance Analyst
Reports Analysis Division