



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

James Bray, Treasurer
Friends of Tim Johnson
P.O. Box 17097
Urbana, IL 61820

MAY 14 2002

Identification Number: C00350421

Reference: Amended 12 Day Pre-Primary Report (1/1/02-2/27/02), dated 4/15/02

Dear Mr. Bray:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses one or more contributions which appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate 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. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

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 within sixty (60) days of

receipt if, (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 sixty (60) days of receipt, the excessive amount was properly designated for a different election, by obtaining signed written authorization from the contributor(s) pursuant to 11 CFR §110.1(b)(5) or §110.2(b)(5). Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or redesignations were not met within 60 days of receipt, the excessive amount must be refunded. See CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund and/ or any photocopies of letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 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))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be taken into consideration.

-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 no later than 30 days 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 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 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.

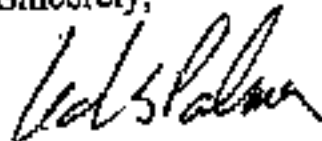
-Your report contains a Schedule C-1 but does not include a copy of the loan agreement. Commission Regulations require that you submit a copy of the loan agreement with the Schedule C-1. As an electronic filer, you must

send a hard copy of the loan agreement via mail or courier. Please submit the missing document. (11 CFR §104.3(d)(2) and 104.18(h))

-Your report discloses \$31,362.21 in Operating Expenditures on Line 17, Column A, of the Detailed Summary Page. Each expenditure to a person which in the aggregate is greater than \$200 for the election cycle must be reported on Schedule B. "Person" includes an individual, partnership, corporation, association, and public or private organization -- other than an agency of the United States Government. If necessary, please amend your report. (11 CFR §104.3(b)(4)(i)(A))

A response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. 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 need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Leah S. Palmer
Reports Analyst
Reports Analysis Division

**EXCESSIVE
CONTRIBUTIONS ON
THE 2002 PRE-PRIMARY
REPORT**

**P = Primary Election
G = General Election**

CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
Association of Trial Lawyers of America PAC	11/22/2000	\$5,000.00	G
Association of Trial Lawyers of America PAC	4/10/2001	\$5,000.00	P
Association of Trial Lawyers of America PAC	11/1/2001	\$1,000.00	G
Association of Trial Lawyers of America PAC	2/21/2002	\$4,000.00	G

