



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 9, 2013

MR. ROBERT S. FITZSIMMONDS III, TREASURER
REPUBLICAN PARTY OF VIRGINIA INC
115 EAST GRACE STREET
RICHMOND, VA 23219-1741

Response Due Date**05/14/2013**

IDENTIFICATION NUMBER: C00001305

REFERENCE: OCTOBER MONTHLY REPORT (09/01/2012 - 09/30/2012)

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 7 item(s):

1. Schedule A supporting Line 11(a)(i) of your report discloses \$61,000 in activity identified as MEMO entries that do not appear to correspond with any itemized transaction(s). Please be advised, a memo entry is used to disclose additional information about an itemized transaction and the amount of a memo entry is not included in the total receipts or disbursements for the report. Please amend your report to provide clarifying information regarding this activity. (11 C.F.R. § 104.3(a) and (b))
2. Schedule A supporting Line 12 discloses transfers-in from "Republican National Committee," "National Republican Senatorial Committee," and "National Republican Congressional Committee." Schedule B supporting Line 30(b) reflects payments for "Campaign walkbooks," "Truck rental for signs delivery," "Exempt Part Act.- Campaign signs, banners" "Exempt Party Act.- Signs, bumper stickers," "Posts for signs," "Exempt Party Act.- Campaign mailer," "Exempt Party Act.- Cantor campaign mailer," and "Exempt Party Act.- Campaign materials." Please be advised that a state or local party committee may pay for campaign materials (such as pins, posters, bumper stickers and yard signs) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election and for voter drive activity conducted on behalf of the party's Presidential and Vice Presidential nominees. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are

REPUBLICAN PARTY OF VIRGINIA INC

Page 2 of 4

that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Party Committees.

If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate. Please amend your report or provide clarifying information.

3. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Assisted phone calls," "Automated calls," and "Automated phone calls" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

4. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule B of your report to clarify the following description(s): "Production design expense," "Reimburse misc supply," and "Provide GOTV services." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

5. Schedule B of your report discloses a payment(s) for "Employee per diem

REPUBLICAN PARTY OF VIRGINIA INC

Page 3 of 4

expense." Please be advised that a political committee may maintain a petty cash fund out of which it may make expenditures not in excess of \$100 to any person per purchase or transaction. (11 CFR §102.11) Please provide clarifying information regarding this activity.

6. Your report discloses a debt owed to "FLS Connect, LLC" with an outstanding beginning balance of \$85,754.49. The previous report filed by your committee discloses a closing balance of \$76,569.32. These amounts should be the same. Please correct this discrepancy and file an amendment to your report(s). (2 U.S.C. § 434(b)(8) and 11 CFR § 104.11)

7. Schedule H4 of your report discloses a disbursement(s) for "Cab fare," "Catering for Virginia Delegation," "Lodging expense," and "Lodging expense-National Republican Convention." Please be advised that expenses related to sending a delegate to a National Convention do not qualify as shared expenses to be allocated between your federal and non-federal accounts. Federal operating expenses should be disclosed on a Schedule B supporting Line 21(b) of the Detailed Summary Page. Any reimbursement from your committee's non-federal account for this disbursement(s) is not permissible and should be transferred-out immediately. (11 CFR §102.5(a)(1)(i)) Please amend your report to clarify the disbursement(s).

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. 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) 694-1177.

REPUBLICAN PARTY OF VIRGINIA INC

Page 4 of 4

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Jones". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Brian Jones
Senior Campaign Finance Analyst
Reports Analysis Division

321