



**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW**

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March 31, 2006

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Edward D. Ryan  
Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
Washington, D. C. 20463

Re: Mid Year Report (January 1, 2005 – June 30, 2005)

Dear Mr. Ryan:

This letter responds to the Federal Election Commission's ("FEC") request for explanation of UAW Voluntary Community Action Program's ("V-CAP") Mid Year federal election campaign finance report. Your March 3, 2006 request asks V-CAP to explain and/or amend certain Schedule A and Schedule B entries. We trust this letter, and the accompanying amended report, adequately address your concerns.

**1. Matsui Special Primary Election Contribution**

Schedule B of our report disclosed three contributions to "Matsui for Congress": 1) February 14, 2005 for \$1,000; 2) May 9, 2005 for \$4,000; and 3) May 18, 2005 for \$1,000. Our report mistakenly disclosed that these three contributions were designated to the 2006 primary. This gave the false impression that an aggregate contribution of \$6,000 was made for one election. This, however, is an inaccurate disclosure. The contributions were made for two separate elections – the 2005 special primary election and the 2006 primary election. V-CAP was within contribution limits for each election, respectively. Our report has been amended to accurately reflect the actual contribution.

The February 14, 2005 contribution was for the purpose of the 2005 special primary election held to fill the vacant U.S. House seat in the Fifth Congressional District formerly held by the late Representative Robert Matsui. Under California state law, a "Special Primary Election" is held to fill vacated congressional seats. See, CAL. ELEC. CODE § 10705 (2006). If one of the candidates for the special primary wins a majority vote, a "Special General Election" will be deemed unnecessary and the majority winner of the special primary is treated as though she won the general election. *Id.*

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As indicated in the February 2005 issue of the *Record*, Vol. 30, Number 2, the Fifth Congressional District special primary was scheduled for March 8, 2005. One month before the 2005 Primary, on February 14, 2005, V-CAP contributed \$1,000 to Matsui for Congress. The description on the February 2005 check (Attachment A) shows that the contribution was for a Matsui fundraiser reception held February 15, 2005. Of course, at the time, the next election for the Fifth Congressional District seat was the March 8, 2005 special primary election. The purpose of the contribution was for that March 2005 primary.<sup>1</sup>

Because Matsui won a majority of the vote in the special primary, a special general election was rendered statutorily unnecessary. That meant the next scheduled election for the Fifth Congressional District seat was the 2006 primary. Subsequently, V-CAP made additional contributions to Matsui for Congress designated for the 2006 primary in May 2005, long after the 2005 special primary election.

As such, V-CAP made contributions within the \$5,000 per election limit. See, 2 U.S.C. §441a(a). V-CAP contributed \$1,000 for the 2005 special primary election and \$5,000 towards the 2006 primary.

## **2. Candidate Debt Reduction Disbursements**

Schedule B supporting Line 23 of our report discloses V-CAP contributions to candidates for the 2004 primary election and the 2004 general election. V-CAP made contributions of \$5,000 in February 2005 to Alexander Green for Congress and Jim Costa for Congress, respectively. V-CAP contributed an additional \$1,500 to Jim Costa for Congress that same month. In your letter, you observe the funds were disbursed after the election dates for those elections

These contributions were permissible because they were specifically designated, in writing, for debt retirement. As a rule, contributions may be designated for an election that has already occurred if the funds are to be used to reduce a candidate committee's debts from that election. 11 CFR § 110.2(b)(3)(i). V-CAP did so here.

V-CAP made the contribution by check, which clearly designated that the payment was for 2004 debt retirement. If a contribution is made by check, notice of designation to a particular election on the face of the check constitutes written

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<sup>1</sup> The February 14, 2005 check contributing \$1,000 to the Special Primary Election states "2006 Primary" on the face of the check due to a clerical error. It should read 2005 Primary. This error is due to the unusual circumstances presented by a special primary election that arose because of the untimely passing of Representative Matsui. The actual purpose of the contribution is clear from the check description which articulates that the contribution was for the "Fundraiser Reception 2/15/05." The next scheduled election, and the only election relevant to Doris Matsui at the time of the Fundraiser and the contribution was the 2005 Special Primary. Certainly, V-CAP would not designate \$1,000 to Matsui's campaign for the 2006 primary in February 2005 as it was a primary scheduled for a year later that was not certain to even include Matsui. To the contrary, the \$1,000 contribution was meant for the 2005 special primary she was participating in less than a month after the contribution.

designation to a particular election. 11 CFR § 110.2(b)(4)(i). Here, the proper designation was clearly typed on the face of the checks. Please find copies of the V-CAP checks corresponding to the contribution to Jim Costa for Congress and Alexander Green for Congress. (Attachment B). Notice that each check clearly states the purpose in bold. The two checks to Jim Costa for Congress respectively state: 1) "2004 Primary Debt CA;" and 2) "2004 General Debt CA." The check to Alexander Green for Congress states: "2004 Primary Debt TX." V-CAP clearly designated these contributions to 2004 primary and general debt retirement. Consequently, V-CAP's contributions to Jim Costa for Congress and Alexander Green for Congress were permissible.

Our Schedule B reports supporting Line 23 have been amended to reflect that these contributions were designated for 2004 Primary Debt retirement and 2004 General Debt retirement, pursuant to your direction.

### **3. Complete \$200 Contributor Information**

V-CAP already identified all individuals contributing in excess of \$200 in a calendar year, as required by 11 CFR §104.3(a)(4)(i). However, our report lacked full names and occupations some of which were not available at the time. We have amended our report to completely provide this information. 11 CFR §100.12; 2 U.S.C. 431(13).

### **4. Description of Itemized Disbursement**

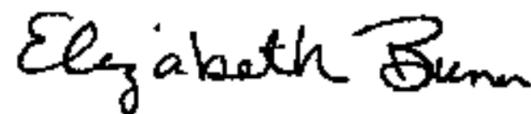
Finally, you identified 12 items in our Schedule B supporting line(s) 21(b) of our report that required greater description of the purpose for the disbursements. Below is a more detailed description.

- 1) Region 8 V-CAP TIXS INVOICE #14672. This refers to the cost of preparing and mailing UAW Region 8 V-CAP individual receipts for donations to V-CAP. These contributions are directly to the separate segregated fund. This does not refer to any donations directly to federal candidates.
- 2) Region 5 V-CAP TIXS INVOICE #14604. This refers to the cost of preparing and mailing UAW Region 5 V-CAP individual receipts for donations to V-CAP.
- 3) Region 5 EAST V-CAP TIXS INVOICE #14603. This refers to the cost of preparing and mailing UAW Region 5, East, V-CAP individual receipts for donations to V-CAP.
- 4) Region 5 V-CAP PROMOTION. This refers to the cost of incentive (mini-mag light) offered to encourage UAW Region 5 members and their family to donate to V-CAP.
- 5) 2004 1120-POL. Refers to the cost of V-CAP 1120-POL tax preparation.

- 6) Region 3 V-CAP INCENTIVE INVOICE #31882. This refers to cost of V-CAP incentive (watch and engraved medallion) offered to encourage UAW Region 3 members and their family to donate to V-CAP.
- 7) Region 2B VCAP INCENTIVE INVOICE #31989. This refers to cost of V-CAP incentive (jacket) offered to encourage UAW Region 2B members and their family to donate to V-CAP.
- 8) Region 1D V-CAP PROMOTION. This refers to the cost of V-CAP incentive (lapel pins) offered to encourage Region 1D UAW members and their family to donate to V-CAP.
- 9) Region 1A V-CAP TIX INVOICE #57121. This refers to the cost of printing UAW Region 1A V-CAP individual receipts for donations to V-CAP.
- 10) Region 1A INCENTIVE INVOICE #79427. This refers to the cost of incentive item (jacket) used to encourage UAW Region 1A members and their family to donate to V-CAP.
- 11) Region 1D V-CAP INCENTIVE. This refers to the cost of printing UAW Region 1D V-CAP individual receipts for donations to V-CAP.
- 12) Region 1D V-CAP INCENTIVE INVOICE #26747. This refers to the cost of V-CAP incentive (booklets) used to encourage UAW Region 1D members and their family to donate to V-CAP.

We hope that our explanation and amended report satisfy your inquiry. If you need any further explanation of our report, please let us know and we will gladly assist you.

Sincerely,



Elizabeth Bunn  
Secretary -Treasurer

EB:CB:amr  
opeiu494  
attachment

28039023434

# Attachment

# A

DOCUMENT CONTAINS COLORED BACKGROUND ON WHITE PAPER. VOID FOREFINGER, OR BREATHE ON IT. COLOR WILL DISAPPEAR, THEN REAPPEAR.

AW V CAP  
00 EAST JEFFERSON AVENUE  
DETROIT, MI 48214-3963

NBD BANK, N.A.  
DETROIT, MI

25671

832  
720

ONE THOUSAND AND 00/100 DOLLARS

CHECK DATE  
02/14/2005

AMOUNT  
\$1,000.00

VOID 180 DAYS FROM CHECK DATE

IS COMMITTEE  
S QUALIFIED AS A  
ILTI-CANDIDATE COMMITTEE.

006 PRIMARY

PAY  
TO  
THE  
ORDER  
OF

MATSUI FOR CONGRESS  
729 15TH STREET, N.W.  
SUITE 300  
WASHINGTON, DC 20005

*Solidarity House*

*R. Harty*  
International President  
*Elizabeth Bunn*  
International Secy.-Treas.

⑈ 25671 ⑈

⑆072000326⑆ 1444063⑈

DESCRIPTION	PAYEE	CHECK DATE	CHECK NUMBER	CHECK AMOUNT
RAISER RECEPTION 2/15/05	MATSUI FOR CONGRESS	02/14/2005	25671	1,000.00
				<u>1,000.00</u>

DESCRIPTION  
RAISER RECEPTION 2/15/05

CONTROL NO.  
VCP-6091

INVOICE NO.

AMOUNT  
1,000.00

260390234



# Attachment

# B

DO NOT WRITE IN THESE SPACES  
FOREFINGER, OR BREATHE ON IT. COLOR WILL DISAPPEAR, THEN REAPPEAR.

**UAW V CAP**  
8000 EAST JEFFERSON AVENUE  
DETROIT, MI 48214-3963

NBD BANK, N.A.  
DETROIT, MI

25672

832  
720

ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS

CHECK DATE  
02/14/2005

AMOUNT  
\$ 1,500.00

THIS COMMITTEE  
HAS QUALIFIED AS A  
MULTI-CANDIDATE COMMITTEE.

VOID 180 DAYS FROM CHECK DATE

2004 GENERAL DEBT CA

*R. [Signature]*  
International President

PAY TO THE ORDER OF  
JIM COSTA FOR CONGRESS  
P.O. BOX 75214  
WASHINGTON, DC 20013

*Elizabeth [Signature]*  
International Secy-Treas.

*Solidarity House*

⑈ 25672 ⑈

⑆072000326⑆ 144063⑈

DESCRIPTION	CONTROL NO.	INVOICE NO.	AMOUNT
JIM COSTA FOR CONGRESS			1,500.00
CONTRIBUTION	VCP-6092		1,500.00

2603902545

UAW V CAP  
8000 EAST JEFFERSON AVENUE  
DETROIT, MI 48214-3963

NBD BANK, N.A.  
DETROIT, MI

25659

9-32  
720

FIVE THOUSAND AND 00/100 DOLLARS

CHECK DATE  
02/09/2005

AMOUNT  
\$ 5,000.00

THIS COMMITTEE  
HAS QUALIFIED AS A  
MULTI-CANDIDATE COMMITTEE.  
2004 PRIMARY DEBT CA

VOID 180 DAYS FROM CHECK DATE

*R. Harty*  
International President

PAY TO THE ORDER OF  
JIM COSTA FOR CONGRESS  
2300 TULARE STREET, #315  
FRESNO, CA 93721

*Elizabeth Bunn*  
International Secy-Treas.

*Solidarity House*

⑈ 25659⑈

⑆072000326⑆ 1444063⑈

DESCRIPTION	CONTROL NO.	INVOICE NO.	CHECK DATE	CHECK NUMBER	CHECK AMOUNT
JIM COSTA FOR CONGRESS			02/09/2005	25659	5,000.00
CAMPAIGN CONTRIBUTION	VCP-6079				5,000.00

2603802343

INTERNATIONAL UNION OF BROTHERHOODS OF AMERICAN WORKERS



Federal Election Commission  
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