



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 11, 2009

John B. Poersch Jr., Treasurer
Democratic Senatorial Campaign Committee
120 Maryland Avenue NE
Washington, DC 20002

Response Due Date:
April 10, 2009

Identification Number: C00042366

Reference: 12 Day Pre-General Report (10/1/08-10/15/08)

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. **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 4 items:

1. Schedule B, supporting Line 21(b) of the Detailed Summary Page of your report discloses negative entries to off-set previously reported federal operating expenditures that have been re-classified as independent expenditures on Schedule E, supporting Line 24. However, Schedule E of your report does not appear to disclose entries with amounts that correspond to the negative entries on Schedule B (see attached). Please amend your report or provide clarifying information regarding this apparent discrepancy.
2. Schedule E of your report indicates that your committee may have failed to file or timely file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20th day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated

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prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

3. Schedule E discloses independent expenditures supporting and/or opposing Senatorial candidates in Georgia, North Carolina and New Hampshire. Schedule F of this report discloses coordinated expenditures on behalf of candidates running in the same elections. Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

Further, 11 CFR §109.21 outlines the factors which define a coordinated communication. Please verify that the independent expenditures made by your Committee in support/opposition of Senatorial candidates in Georgia, North Carolina and New Hampshire meet the definition of and were properly categorized as independent expenditures. If necessary, amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page) or coordinated expenditures (Schedule F supporting Line 25 of the Detailed Summary Page).

If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of \$39,900 per campaign. If the reclassification of these expenditures as coordinated expenditures results in your committee exceeding the limitations under 2 U.S.C. §441a(d), the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of the expenditure limitation.

Please inform the Commission of any corrective action immediately in writing and provide a photocopy of your refund request(s) sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

4. The limitation on making coordinated party expenditures on behalf of a Senate candidate in the State of Kansas for the 2008 general election is

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\$174,900. Your report, however, discloses a coordinated party expenditure made on behalf of Jim Slattery totaling \$275,665.03, which appears to exceed the limitations under 2 U.S.C. §441a(d). The Commission notes that Schedule F of your report indicates that your committee has been designated to make coordinated expenditures on behalf of another political party committee and further states "see attached list;" however no list was provided.

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

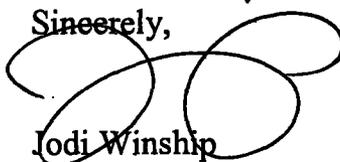
Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

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.**

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) 694-1136.

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Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and curves, positioned over the typed name.

Jodi Winship
Senior Campaign Finance Analyst
Reports Analysis Division

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Offsets on Line 21(b), No Corresponding Entries on Line 24

Name of Payee	Date	Amount	Purpose
Bright Idea Creative, Inc.	10/9/2008	-\$18,500.00	Offset-See Line 24
Great American Media-GMMB	10/7/2008	-\$952,662.15	Offset-See Line 24
Great American Media-GMMB	10/7/2008	-\$944,960.60	Offset-See Line 24
Great American Media-GMMB	10/14/2008	-\$934,706.11	Offset-See Line 24
Great American Media-GMMB	10/14/2008	-\$785,409.32	Offset-See Line 24
Great American Media-GMMB	10/14/2008	-\$638,350.01	Offset-See Line 24
Great American Media-GMMB	10/7/2008	-\$585,658.65	Offset-See Line 24
Great American Media-GMMB	10/7/2008	-\$480,957.24	Offset-See Line 24
Great American Media-GMMB	10/14/2008	-\$375,038.06	Offset-See Line 24
Great American Media-GMMB	10/7/2008	-\$345,644.29	Offset-See Line 24
Great American Media-GMMB	10/14/2008	-\$46,153.88	Offset-See Line 24

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Missing 48-Hour Notices of Independent Expenditure

Name of Payee	Date	Amount	Purpose	Candidate
SquierKnappDunn Communications	10/6/2008	\$8,000.00	Media Production	Dole, Elizabeth
Bright Idea Creative, Inc.	10/9/2008*	\$23,495.00	Media Production	Sununu, John
Shorr Johnson Magnus	10/6/2008	\$8,013.34	Media Production	Smith, Gordon
Fuse, Inc.	10/13/2008**	\$847.50	Media Production	Dole, Elizabeth
Fuse, Inc	10/13/2008**	\$847.50	Media Production	Hagan, Kay

**Memo Text attached to this entry states: "Actual Cost. Disseminated 10/6/08. Reported estimated cost of 18,500."*

***Memo Text attached to these entries states: "Additional cost. Disseminated 9/30/08;" however there were no previous disbursements paid to this vendor.*

Late Filed 48-Hour Notices of Independent Expenditure

Name of Payee	Date	Amount	Purpose	Candidate	Date Notice Filed
Fuse, Inc.	10/13/2008*	\$840.00	Media Production	Dole, Elizabeth	10/15/2008
Fuse, Inc.	10/13/2008*	\$840.00	Media Production	Hagan, Kay	10/15/2008

** Memo Text attached to these entries states: "Additional cost. Disseminated 9/30/08;" however there were no previous disbursements paid to this vendor.*

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