



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 15, 2008

RQ-2

Martin H. Nesbitt, Treasurer  
Obama for America  
PO Box 8102  
Chicago, IL 60680

Response Due Date:  
May 15, 2008

Identification Number: C00431445

Reference: Year End Report (10/1/07 - 12/31/07)

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 6 items:

1. Schedule A-P of your report discloses one or more contributions that 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 an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,300 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate 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

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clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 28 of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A-P 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, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

2. Your report discloses \$412,328.52 from Department of the Treasury in Offsets to Operating Expenditures on Line 20(a), Column A, of the Detailed Summary Page. However, your report does not include a memo text detailing the nature of this offset. Please be advised that if there are not corresponding expenditures for these entries, it may constitute an excessive or prohibited contribution. Please amend your report to provide an explanation for this entry. (11 CFR § 104.3(a)(4)(v))

3. On Schedule B-P of your report, you have itemized disbursements for which you have failed to include the address and purpose. Please amend your report to include the missing information. (11 CFR § 104.3(b)(4))

4. Commission Regulations define the term "purpose" to mean a brief statement or description of why a disbursement was made. Examples are "dinner expense," "media," "salary," "polling," "travel," "party fees," "phone banks," "travel expenses," "travel expense reimbursement," and "catering costs." Examples of election day and voter registration activity include "exit polling," "door-to-door get out the vote," "get out the vote phone calls," and "driving voters to the polls." Unacceptable descriptions, which require additional clarification, include but are not limited to "advance," "consulting," "political consulting," "commission," "contract labor," "retainer," "election day expense," "expenses," "invoice,"

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“support,” “expense reimbursement,” “miscellaneous,” “professional services,” “get-out-the-vote,” “voter registration,” “Paraphernalia”. (11 CFR § 104.3(b)(4)(A))

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register can be found at [http://www.fec.gov/law/policy/purposeofdisbursement/inadequate\\_purpose\\_list\\_3507.pdf](http://www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf). Please amend Schedule B-P of your report to correct the descriptions that do not meet the requirements of the Regulations.

5. Schedule B-P of your report discloses disbursements to credit card companies. When reporting payments to credit card companies, if the payment to the original vendor aggregates in excess of \$200 in an election cycle, you must itemize, as a memo entry, the name and address of the original vendor, together with the date, amount and purpose of the expenditure. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR § 104.9(a) & (b))

6. Schedule B-P of your report discloses reimbursements to individuals for transactions other than travel, meals and lodging. Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR § 104.9(a) & (b))

**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

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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) 694-1155.

Sincerely,



Vicki Hubbard  
Senior Campaign Finance Analyst  
Reports Analysis Division

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Excessive and/or Prohibited Contributions  
 Obama for America (C00431445)  
 Year End Report (10/1/07 - 12/31/07)

P = Primary Election  
 G = General Election

Contributor Name	Date	Amount	Election
Brown, Stephen	10/4/2007	200	P2008
Charap, Mitchell	10/4/2007	500	P2008
Company, Bessemer Trust	12/12/2007	5000	P2008
Edwan, Hosam	10/26/2007	1082.67	P2008
Edwan, Hosam	10/26/2007	1725.96	P2008
Edwan, Hosam	10/26/2007	834.85	P2008
Edwan, Hosam	10/26/2007	-508.63	P2008
Edwan, Hosam	10/26/2007	-834.85	P2008
Edwan, Hosam	10/26/2007	834.85	G2008
Edwan, Hosam	10/26/2007	508.63	G2008
Edwan, Monir	10/27/2007	1290.63	P2008
Evans, Howard	11/7/2007	2000	P2008
Evans, Howard	11/7/2007	-200	P2008
Gray, Raymond	11/12/2007	250	P2008
Ladd, Edward	10/12/2007	500	P2008
Leitner, Sandra	10/19/2007	25	P2008
Ludwig, Shirley	12/6/2007	2300	P2008
Ludwig, Shirley	12/6/2007	2300	P2008
Lum, Kehaulani	11/8/2007	1000	P2008
Mcfarland, Gavin	10/11/2007	2300	P2008
Morrow, David	10/20/2007	2300	P2008
Popp, Gray & Hutchenson LLP	12/6/2007	2300	P2008
Popp, Gray & Hutchenson LLP	12/6/2007	2300	P2008
Riegsecker, Shawn	11/16/2007	2300	P2008
Robinson, Margaret	11/21/2007	150	P2008
Rogers, William	10/17/2007	50	P2008
Rogers, William	10/17/2007	38.88	P2008
Rogers, William	10/17/2007	16.3	P2008
Sargent, John A Mr.	10/24/2007	1000	P2008
Smith, Douglas	11/26/2007	100	P2008
Smith, Laura	12/6/2007	2300	P2008
Smith, Laura	12/6/2007	-100	P2008
Thompson, Deborah	10/18/2007	50	P2008
White, Lisa	10/7/2007	25	P2008
Whitmore, James	11/5/2007	180	P2008
Young, Shirley Wesse	10/11/2007	500	P2008

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