



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 15, 2004

Irina Simmons, Treasurer  
EMC Corporation Political Action Committee  
171 South Street  
Hopkinton, MA 01748

Response Due Date:  
October 15, 2004

Identification Number: C00385948

Reference: Amended May Monthly Report (4/1/04-4/30/04), received 6/17/04

Dear Ms. Simmons:

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. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B supporting Line 23 of your report discloses one or more contributions to a candidate(s) for the 2004 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign.

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent

## EMC CORPORATION POLITICAL ACTION COMMITTEE

PAGE 2

to the recipient committee(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. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a non-multicandidate political committee and its affiliates, from making a contribution to a candidate for federal office in excess of \$2,000 per election. Please refer to the Campaign Guide for information on how a committee qualifies for multicandidate status.

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

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

If your committee has met the criteria for multicandidate status, please file FEC FORM 1M "Notification of Multicandidate Status" with the Commission. The treasurer must file FEC FORM 1M no later than ten (10) calendar days after qualifying for multicandidate committee status. 11 CFR §102.2(a)(3)

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(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. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

## EMC CORPORATION POLITICAL ACTION COMMITTEE

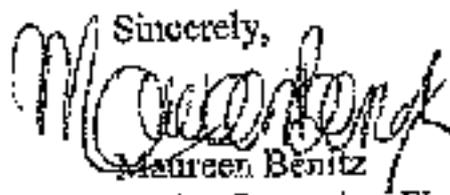
PAGE 3

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. 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.

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) 694-1135.

Sincerely,



Maureen Benitz

Senior Campaign Finance Analyst  
Reports Analysis Division

## EMC CORPORATION POLITICAL ACTION COMMITTEE

PAGE 4

## Contribution After Election Date

Recipient Name	Date	Amount	Election	Election State - Date
Texans for Henry Bonilla	4/22/04	\$2,500.00	P2004	TX - 3/2/04
Buck McKeon	4/22/04	\$1,000.00	P2004	CA - 3/2/04

## Excessive Contribution to a Candidate/Committee

Recipient Name	Date	Amount	Election	Report
Tiaht for Congress	6/27/03	\$1,500.00	P2004	Mid-Year
Tiaht for Congress	4/22/04	\$1,000.00	P2004	Amended May Monthly

Texans for Henry Bonilla	6/27/03	\$1,000.00	P2004	Mid-Year
Texans for Henry Bonilla	6/27/03	\$1,000.00	P2004	Mid-Year
Texans for Henry Bonilla	3/1/04	\$1,000.00	P2004	Mid-Year
Texans for Henry Bonilla	4/22/04	\$2,500.00	P2004	Amended May Monthly

Moran for Congress	6/27/03	\$1,000.00	P2004	Mid-Year
Moran for Congress	4/22/04	\$2,000.00	P2004	Amended May Monthly

