



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 27, 2012

ROGER RIFFENBURGH, TREASURER
SANTA CLARA COUNTY REPUBLICAN
PARTY(FED)
522 N MONROE STREET
SAN JOSE, CA 95128-1338

Response Due Date
10/01/2012

IDENTIFICATION NUMBER: C00415075

REFERENCE: AMENDED APRIL MONTHLY REPORT (03/01/2012 - 03/31/2012),
RECEIVED 05/20/2012

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 2 item(s):

1. Your amended report discloses an increase in receipts totaling \$12,891.50 on Line(s) 18(a) of the Detailed Summary Page and an increase in disbursements totaling \$12,901.50 on Line(s) 21(a)(ii) of the Detailed Summary Page from those disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. (11 CFR § 104.3)
2. Your report discloses in-kind contributions ("donations") from "CHARLES MUNGER JR." on Schedule H4, supporting Line 21(a) of the Detailed Summary Page. Pursuant to Advisory Opinion 1992-33, the Commission concluded that a party committee may accept in-kind donations in connection with fundraising activities as long as the federal share of goods or services is paid or transferred to the non-federal account upon receipt of or in advance of the acceptance of the in-kind donations by the federal account.

Advisory Opinion 1992-33 also discloses a detailed method for reporting the receipt and use of in-kind contributions as follows:

1. The transfer of the in-kind contribution from the non-federal account to the federal account should be disclosed on Schedule H3. The itemization on Schedule H3 should include the date the Committee received the in-kind

SANTA CLARA COUNTY REPUBLICAN PARTY(FED)

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contribution, the amount of the contribution and the fundraising event involved.

2. The use or expenditure of in-kind contributions should be disclosed on Schedule H4 as non-federal share disbursements. The itemization should provide the same donor identification information required on a Schedule A for in-kind contributions for Federal elections.

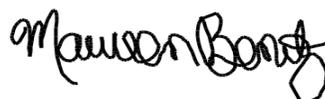
3. A second entry on Schedule H4 should then disclose the advance or contemporaneous payment of the federal account's share of the in-kind contribution to the non-federal account.

Please amend your report to properly disclose the in-kind contributions received by your committee by providing a second entry on Schedule H4 to disclose the advance or contemporaneous payment of the federal account's share of the in-kind corporate contribution to the non-federal account.

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) 694-1147.

Sincerely,



Maureen Benitz
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

SAMPLE

Allocating Certain Federal and Nonfederal Expenses

The committee may also use one entry on Schedule H4 to show total federal payments (transfers) made on the same day for the federal share of in-kind donations.

Example

A committee receives two in-kind donations from prohibited sources for a mixed federal/nonfederal fundraising event, “July Fundraiser”:

- Invitations donated by XYZ Printing (value: \$3,000) received on July 1; and
- Balloons donated by Balloons!, Inc. (value: \$1,000) received on July 15.

The fundraising ratio for “July Fundraiser” is 50 percent federal, 50 percent nonfederal. The federal account transfers its \$2,000 share of the two donations on July 1.

Schedule H3—Receipt of In-Kind Donations

The committee uses one entry on Schedule H3 to show the total in-kind donations for “July Fundraiser” received during the reporting period. The “date of receipt” shows the period during which the committee received the contributions. The “July Fundraiser” entry cross references the Schedule H4 entries showing the “disbursement” of the donations and the identity of the contributors.

Schedule H4—“Disbursement” of Donations; Federal Transfer

Schedule H4 shows the “disbursement” of the two in-kind donations by the non-federal account, each entry identifying the donor and the dates the donations were received.

The third entry shows the federal account’s payment for its 50 percent share of the two donations and the date of the transfer to the nonfederal account. The entry refers to the previous two entries to show the transfer relates to those transactions.

“Escrow” Transfer

Advance transfers from the federal account to the nonfederal account to pay the federal share of anticipated in-kind donations for allocable activities are reported on Schedule H4 as federal share payments. If known, the particular activity (fundraising program/event or administrative) to which the

RECEIPT OF IN-KIND DONATION (H3)

SCHEDULE H3 (FEC Form 3X)
TRANSFERS FROM NON-FEDERAL ACCOUNTS FOR SHARED FEDERAL / NON-FEDERAL ACTIVITY

PAGE 1 OF 1
FOR LINE 18a OF FORM 3X

NAME OF COMMITTEE (In Full)
Freedom Party State Committee

NAME OF ACCOUNT	DATE OF RECEIPT	TOTAL AMOUNT TRANSFERRED
Nonfederal Account	07 / 01 / 2010	4,000.00

BREAKDOWN OF TRANSFER RECEIVED

i) Total Administrative []

ii) Generic Voter Drive []

iii) Exempt Activities []

iv) Direct Fundraising (List Activity or Event Identifier)

a) July Fundraiser - In-kind 4,000.00
see H4, p. 1, entries A&B

b) []

c) Total Amount Transferred For Direct Fundraising 4,000.00

DISBURSEMENT OF IN-KIND DONATION; FEDERAL TRANSFER (H4)

SCHEDULE H4 (FEC Form 3X)
DISBURSEMENT FOR SHARED FEDERAL/NON-FEDERAL ACTIVITY SCHEDULE

PAGE 1 OF 1
FOR LINE 21a OF FORM 3X

NAME OF COMMITTEE (In Full)
Freedom Party State Committee

A. Full Name (Last, First, Middle Initial)
XYZ Printing

Mailing Address
111 Pulp Street

City State Zip Code
City ST 00000

Purpose of Disbursement:
Invitations - In-kind

Activity or Event Identifier:
July Fundraiser

Category/Type: 003

Date: 07 / 01 / 2010

Allocated Activity or Event:
 Administrative Fundraising Exempt
 Voter Drive Direct Candidate Support

Allocated Activity or Event Year-To-Date
3,000.00

FEDERAL SHARE	NON-FEDERAL SHARE	TOTAL AMOUNT
0.00	3,000.00	3,000.00

B. Full Name (Last, First, Middle Initial)
Balloons! Inc.

Mailing Address
99 Luft St.

City State Zip Code
City ST 00000

Purpose of Disbursement:
Balloons - In-kind

Activity or Event Identifier:
July Fundraiser

Category/Type: 003

Date: 07 / 01 / 2010

Allocated Activity or Event:
 Administrative Fundraising Exempt
 Voter Drive Direct Candidate Support

Allocated Activity or Event Year-To-Date
1,000.00

FEDERAL SHARE	NON-FEDERAL SHARE	TOTAL AMOUNT
0.00	1,000.00	1,000.00

C. Full Name (Last, First, Middle Initial)
Freedom Party State Committee Nonfederal Account

Mailing Address
123 Washington St.

City State Zip Code
City ST 00000

Purpose of Disbursement:
Transfer of Federal Share of In-kind

Activity or Event Identifier:
July Fundraiser

Category/Type: 003

Date: 07 / 01 / 2010

Allocated Activity or Event:
 Administrative Fundraising Exempt
 Voter Drive Direct Candidate Support

Allocated Activity or Event Year-To-Date
[]

FEDERAL SHARE	NON-FEDERAL SHARE	TOTAL AMOUNT
2,000.00	0.00	2,000.00

transfer applies should be noted. Any adjustment payments made from the nonfederal account to the federal account would appear on Schedule H3, noting the previous H4 entries to which they relate.