



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 7, 2007

Dennis M. Charles, Treasurer  
Evan Bayh Committee  
850 Fort Wayne Avenue  
Indianapolis, IN 46204

**Response Due Date:**  
**July 9, 2007**

Identification Number: C00306860

Reference: October Quarterly Report (7/1/06 - 9/30/06)

Dear Mr. Charles:

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 Senate Public Records Office by the response date noted above.** Additional information is needed for the following 3 items:

1. Schedule A 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 \$2,100 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)(1).

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 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A 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. 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," "support," "expense reimbursement," "miscellaneous," "professional services," "get-out-the-vote," and "voter registration." (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/notice\\_2006-23.pdf](http://www.fec.gov/law/policy/purposeofdisbursement/notice_2006-23.pdf). Please amend Schedule B of your report to correct the descriptions that do not meet the requirements of the Regulations.

3. Schedule B of your report discloses reimbursements to individuals for expenses other than travel and subsistence. Please be advised that when

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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 §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20)

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received on or before the due date noted above to 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 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.

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file and amendment. 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) 694-1173.

Sincerely,



Sally R. Bacon  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Excessive and/or Prohibited Contributions  
 Evan Bayh Committee (C00306860)  
 October Quarterly Report (7/1/06 - 9/30/06)**

**P = Primary Election  
 G = General Election**

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Cowles	John, Jr.	6/30/2006	\$2,000.00	P2010
Cowles	John, Jr.	7/11/2006	\$1,500.00	P2010
Dave	Vijay	12/28/2005	\$2,100.00	P2010
Dave	Vijay	8/15/2006	\$1,000.00	P2010
Dominguez	Rogelio	12/13/2005	\$2,000.00	P2010
Dominguez	Rogelio	8/15/2006	\$1,500.00	P2010
Goldich	Stan	8/9/2006	\$3,000.00	P2010
Inskeep	Richard G.	8/19/2005	\$2,000.00	P2010
Inskeep	Richard G.	8/24/2006	\$1,000.00	P2010
Kaplan	Robert	8/19/2005	\$2,100.00	P2010
Kaplan	Robert	9/25/2006	\$1,000.00	P2010
Levin	Katherine A.	8/16/2006	\$4,000.00	P2010
Miller	Peter A.	12/15/2005	\$1,000.00	P2010
Miller	Peter A.	9/25/2006	\$1,500.00	P2010
Ronald	Mary Ann	10/25/2005	\$2,000.00	P2010
Ronald	Mary Ann	7/17/2006	\$1,000.00	P2010
Ronald	Mary Ann	9/26/2006	\$500.00	P2010
Samuelson	William C.	6/15/2006	\$2,100.00	P2010
Samuelson	William C.	8/14/2006	\$1,160.00	P2010
Simon	Rachel M.	9/14/2005	\$2,000.00	P2010
Simon	Rachel M.	7/20/2006	\$1,000.00	P2010

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