



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 22, 2020

DONNA DOE TESTA, TREASURER
FEDUP POLITICAL ACTION COMMITTEE
AKA FEDUP PAC
9625 SURVEYOR COURT SUITE 400
MANASSAS, VA 20110

Response Due Date
01/26/2021

IDENTIFICATION NUMBER: C00455923

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2020 - 09/30/2020)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 5 item(s):

1. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The following employer name and occupation entries appear on your report and are not considered acceptable: "Information Requested/Information Requested" and "Nonw/None."

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

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Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution,
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

2. Schedule D of your report itemizes debt owed to "American Target Advertising - Internet," "Data Management Inc.," "Kokx, Stephen," "Leahy, Norman," "MVP Press," and "Phillips, Douglas" with outstanding beginning balances not included on your previous report. Please file an amendment to your report(s) to correct this discrepancy. (11 CFR § 104.11(b))

3. Schedule E discloses Calendar Year-To-Date Per Election totals for President which appear to be incorrect. Please amend your report to provide the correct total(s) on Schedule E. (52 U.S.C. §30104(b)(4) and 11 CFR §104.4(f))

4. Itemized independent expenditures must include a brief statement or description of why the expenditures were made. Please amend Schedule E of your report to clarify the following descriptions: "Creative, Production," "Creative Production Services (Estimate)," "Creative Production Services," "Creation of video," and "Creative Production (Estimate)." For further guidance regarding acceptable purposes, please refer to 11 CFR §104.3(b)(3).

Additional information regarding inadequate purposes of disbursement published in the Federal Register can be found

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at <https://www.fec.gov/help-candidates-and-committees/purposes-disbursement>

5. Your committee filed 48-hour reports informing the Commission of independent expenditures made in support or opposition of federal candidates with "Data Management Inc.," "Morgan, Meredith & Associates," and "American Target Advertising" as the payees. However, the amounts and dates of public dissemination disclosed on these reports do not appear to correlate with the entries on Schedule E, supporting Line 24 for the reporting period. If your committee has filed 24- or 48-hour reports supporting independent expenditures not reflected on your reports, you must file Schedule E during the appropriate reporting period to disclose these payments. Please amend your report to clarify this discrepancy and provide further information concerning these reports. (11 CFR §104.4)

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. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you 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) 694-1176.

Sincerely,



Michael Adamsky
Senior Campaign Finance Analyst