



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

January 23, 2009

David Alpert, Treasurer  
New York State Democratic Committee  
461 Park Avenue South  
10th Floor  
New York, NY 10016

Response Due Date:  
February 23, 2009

Identification Number: C00143230

Reference: 12 Day Pre-General Report (10/1/08-10/15/08)

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 7 items:

1. The totals listed on Lines 6(c), 7, 11(a)(i), 11(a)(iii), 11(c), 11(d), 17, 19, 20, 21(a)(i), 21(a)(ii), 21(b), 21(c), 23, 25, 29, 30(b), and 30(c), Column B of the Summary and Detailed Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.
2. The beginning cash balance of this report should equal the ending balance of your Amended October Monthly Report (9/1/08-9/30/08), received 12/8/08. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.
3. Schedule A supporting Line 15 of your report discloses an offset to an operating expenditure(s) totaling \$1,875 from "New York County Democratic Committee;" however, your report(s) does not appear to disclose a disbursement to this entity. Please provide clarifying information regarding this activity and amend your report(s) if necessary.

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4. Schedule A supporting Line 12 discloses a transfer(s)-in from "DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE." Schedule B supporting Line 30(b) reflects payments for "Lapel Stickers & Yard Signs." Please be advised that a state or local party committee may pay for campaign materials (such as pins, posters, bumper stickers and yard signs) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election and for voter drive activity conducted on behalf of the party's Presidential and Vice Presidential nominees. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Party Committees.

Please clarify the nature of the transfer(s)-in and subsequent payments for the aforementioned disbursement(s). If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate.

5. On Schedule H4, your allocated activity or event year-to-date total calculations for the Administrative category are incorrect. Allocated activity or event year-to-date totals for administrative, voter drive, exempt activity costs and expenses for public communications made by PACs referencing only political parties are derived by aggregating all disbursements during the calendar year for each separate category. Allocated activity or event year-to-date totals for fundraising and direct candidate support activities are derived by aggregating all disbursements during the calendar year within a specific event. These should be calculated by adding the latest disbursement for a category or event to the previous event year-to-date total for that category or event. This running event year-to-date total should be disclosed after each disbursement is listed. Please amend your report by providing the correct event year-to-date totals.

6. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) H4 of your report to clarify the following description(s): "General Consulting Non-

Candidate Specific.” For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

7. Schedule H4 discloses reimbursements to individuals totaling \$229.36. However, the sum of the memo entries provided identifying the original vendors associated with these payments total \$199.69. Please amend your report to provide complete itemization and clarify this discrepancy.

**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) 694-1153.

Sincerely,

*Kristin DeCarmine*

Kristin DeCarmine  
Senior Campaign Finance Analyst  
Reports Analysis Division

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