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July 20, 2005

BY HAND DELIVERY

Edward D. Ryan
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Letter dated June 15, 2005, regarding Amended September Monthly Report (8/1/04-8/31/04) filed on May 26, 2005

Dear Mr. Ryan:

On behalf my client, the Republican Party of Louisiana ("the Party"), I am writing in response to the Commission's letter dated June 15, 2005, regarding the Party's Amended September Monthly Report (8/1/04-8/31/04), which it filed on May 26, 2005.

First, the Commission asked for a clarification of the additional receipts listed on the Party's Amended September Monthly Report. From August 5, 2004, through August 23, 2004, the Party transferred a total of \$15,268.06 from its nonfederal account to its federal account. Due to a technical problem with the Party's campaign finance software, the transfer did not appear on the Party's the original September Monthly Report, which was filed on September 20, 2004.

Second, the Commission requested clarification of whether disbursements listed on Schedule B were payments for public communications that qualified as expenditures, exempt party activities, or federal election activities. "Public communications" include messages in a broadcast, cable or satellite communication; newspaper; magazine; outdoor advertising facility; mass mailing or telephone bank to the general public; or any other form of general public political advertising. See 2 U.S.C. § 431(22); 11 C.F.R. § 100.26. They do *not* include communications over the Internet. See 2 U.S.C. § 431(22); 11 C.F.R. § 100.26.

To list a public communication payment properly on a Federal Election Commission disclosure form, a State party committee must analyze the content of the message. A disbursement for a public communication that refers to a clearly identified candidate for federal office and that promotes, supports, attacks, or opposes any federal candidate constitutes a "federal election activity." See 2 U.S.C. § 431(20)(A)(iii); 11 C.F.R. § 100.24(b)(3). The payment must be listed

on Schedule B supporting Line 30(b). *See* 2 U.S.C. § 431(20); 11 C.F.R. § 100.24; F.E.C. Instructions for Form 3X (Dec. 2004).

Alternatively, payment for a public communication containing express advocacy – a message that advocates the election or defeat of a clearly identified candidate – must be disclosed as an independent expenditure on Schedule E supporting Line 24. *See* 2 U.S.C. § 431(17)(A); 11 C.F.R. § 100.22(a); F.E.C. Instructions for Form 3X (Dec. 2004). Disbursements for certain party activities, however, such as the distribution of slate cards, the dissemination of campaign materials by volunteers, and “get-out-the-vote” drives for Presidential nominees, are exempt from the “expenditure” definition. *See* 11 C.F.R. §§ 100.140, 100.147, and 100.149. The payments may be reported as “federal operating expenditures” on Schedule B supporting line 21(b). *See* 11 C.F.R. §§ 100.140, 100.147, and 100.149; F.E.C. Instructions for Form 3X (Dec. 2004). *See also* Campaign Guide for Political Party Committees, at 38 (Aug. 2004).

The Party disclosed the following disbursements on Line 30(b) of its first Amended September Monthly Report.

- A \$3,000 payment to Giles & Associates on August 27, 2004. The purpose of the disbursement was for an “FEA Volunteer Mass Mail.” The payment qualified as an exempt volunteer activity. Therefore, the Party disclosed the disbursement on Line 21(b) of the accompanying amendment to the September Monthly Report.
- A \$1,544 payment to Digital FX on August 12, 2004. The purpose of the disbursement was for an “FEA Film Crew” to video-record a congressional candidate forum. The payment was not for any specifically identified federal candidate. Therefore, the Party properly reported the disbursement on Line 30(b).
- A \$14,587.60 payment to Franklin Direct & Mail Printing on August 31, 2004. The purpose of the disbursement was for an “FEA Volunteer Mass Mail.” The payment qualified as an exempt volunteer activity. Therefore, the Party disclosed the disbursement on Line 21(b) of the accompanying amendment to the September Monthly Report.

Third, the Commission has asked the Party to clarify all expenditures made for a “Facility Rental” on Schedule B and Schedule H of the Amended September Monthly Report filed on May 26, 2005.

- On Schedule B, the Party’s report listed a \$2,000 payment to Barbara Bonnoitt on August 4, 2004. The purpose of the disbursement was listed as a “Facility Rental.” In response to the Commission’s request, the Party has amended the purpose of disbursement to clarify that the payment was for an office rental. The Party did not rent the facility on behalf of any specifically identified federal candidate.

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- On Schedule B, the Party's report listed a \$1,599.28 payment to the Holiday Inn – Holiday Inn on August 11, 2004. The purpose of the disbursement was listed as a "Facility Rental." In response to the Commission's request, the Party has amended the purpose of disbursement to clarify that the payment was for a State Party Convention. The Party did not rent the facility on behalf of any specifically identified federal candidate.
- On Schedule H4, the Party's report listed a \$1,286 payment to Jacquin Grand Children, LLC on August 5, 2004. The purpose of the disbursement was listed as a "Facility Rental." In response to the Commission's request, the Party has amended the purpose of disbursement to clarify that the payment was for an office rental. The Party did not rent the office on behalf of any specifically identified federal candidate.
- On Schedule H4, the Party's report listed a \$1,925 payment to R&C Properties, LLC on August 5, 2004. The purpose of the disbursement was listed as a "Facility Rental." In response to the Commission's request, the Party has amended the purpose of disbursement to clarify that the payment was for an office rental. The Party did not rent the office on behalf of any specifically identified federal candidate.
- On Schedule H4, the Party's report listed a \$64 payment to The Storage Center on August 11, 2004. The purpose of the disbursement was listed as a "Facility Rental." In response to the Commission's request, the Party has amended the purpose of disbursement to clarify that the payment was for office storage rental. The Party did not rent the storage space on behalf of any specifically identified federal candidate.
- On Schedule H4, the Party's report listed a \$3,850 payment to R&C Properties, LLC on August 16, 2004. The purpose of the disbursement was listed as a "Facility Rental." In response to the Commission's request, the Party has amended the purpose of disbursement to clarify that the payment was for an office rental. The Party did not rent the office on behalf of any specifically identified federal candidate.

Finally, the Commission requested a clarification of the terms "Consulting, Fundraising Expense, and Prof. Ser. – Administratio[n]," which the Party used to describe disbursements listed on Schedule B and Schedule H4 of its Amended September Monthly Report, filed on May 26, 2005. The Party's report listed eleven disbursements with these descriptions:

- A \$604.12 payment to Kivas Ristorante on August 26, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Food/Drink for Fundraiser." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$265 payment to Messinger Pictures on August 26, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement

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was for a "Photographer for Fundraiser." This disbursement was not on behalf of any specifically identified federal candidate.

- A \$631.77 payment to Martha Belchic on August 26, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Food/Drink for Fundraiser." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$689.10 payment to Carlson Wagonlit Travel on August 9, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Airfare/Fundraiser Speaker." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$1,552.48 payment to Louisiana Aircraft, Inc. on August 9, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Airfare/Fundraiser Speaker." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$1,552.48 payment to Louisiana Aircraft, Inc. on August 26, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Airfare/Fundraiser Speaker." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$1,000 payment to Direct Mailing Services, Inc. on August 18, 2004, for "Consulting." The Party's accompanying amendment explains that the purpose of this disbursement was for "Strategy Consulting." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$415.25 payment to Scott Sewell on August 18, 2004, for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for "Photography/Phone Expense for Fundraiser." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$675 payment to Connor Best on August 20, 2004, for a "Prof. Ser. – Administratio[n]." The Party's accompanying amendment explains that the purpose of this disbursement was for "clerical services." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$557.50 payment to Jeanne Leveque on August 20, 2004, for a "Prof. Ser. – Administratio[n]." The Party's accompanying amendment explains that the purpose of this disbursement was for "clerical services." This disbursement was not on behalf of any specifically identified federal candidate.

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- A \$375 payment to Connor Best on August 26, 2004, for a "Prof. Ser. – Administratio[n]." The Party's accompanying amendment explains that the purpose of this disbursement was for "clerical services." This disbursement was not on behalf of any specifically identified federal candidate.

If you have questions or require additional information, please do not hesitate to contact me at (202) 756-8003.

Sincerely,



Bobby R. Burchfield

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Federal Election Commission
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