

McDermott Will & Emery

RECEIVED
FEC MAIL
OPERATIONS CENTER

2005 JUL 21 P 2:50

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Bobby R. Burchfield
Attorney at Law
bburchfield@mwe.com
202.756.8003

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 22, 2005, regarding Year End Report (11/23/04-12/31/04)

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 22, 2005, regarding the Party's Year End Report (11/23/04-12/31/04). Please note that the Party filed an amendment to the Year End Report on July 8, 2005. The amendment addressed an issue raised by the Commission concerning the August Monthly Report (7/1/04-7/31/04).

First, the Commission asked the Party to classify a receipt listed on Line 17 of the original Year End Report. On December 3, 2004, McCrery for Congress transferred \$5,000 in excess campaign funds to the Party. The Federal Election Campaign Act, as amended, permits principal candidate committees to transfer unlimited sums to state political parties. See 2 U.S.C. § 439a; 11 C.F.R. § 113.2(c). Therefore, the Party properly listed the receipt on Line 17. For additional clarification, the Party has designated the itemization as a "transfer of excess funds" on the accompanying amendment to the Year End Report.

Second, the Commission requested that the Party clarify its reporting of total receipts and transfers from its nonfederal account for the Year End Report. The Party's amendment to the Year End Report lists:

- A total of \$2,124,660.98 in calendar year-to-date receipts on Line 6(c).
- A total of \$152,304.78 in calendar year-to-date transfers on Line 18(a).

Third, the Commission requested that the Party clarify its cash-on-hand reporting for the Year End Report. Amended reports filed by the Party list:

2503351509

- A \$72,084.38 cash-on-hand balance for the close of the Post-General reporting period (10/14/04-11/22/04).
- A \$72,084.38 cash-on-hand balance for the beginning Year End reporting period (11/23/04-12/31/04).
- Identical cash-on-hand balances of \$26,813.61 for the Year End Report's reporting period (Column A) and calendar year-to-date reporting period (Column B).

Fourth, the Commission has asked that the Party to disclose the identification of individuals who contributed in excess of \$200 during 2004. The Party uses solicitation materials that request contributors' identifications, and administers follow-up requests for such information. The amended Year End Report lists the addresses, occupations, and names of employers for several additional individual contributors.

Fifth, 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).

25038831600

The Party disclosed the following disbursements on Line 30(b) of its Year End Report.

- A \$26,185.41 payment to Giles & Associates on November 23, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$10,592.41 payment to Giles & Associates on December 2, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$12,000 payment to Targeted Creative Communication on December 6, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$35,000 payment to Targeted Creative Communication on December 15, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$1,511.71 payment to Targeted Creative Communication on December 17, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$10,000 payment to Targeted Creative Communication on December 17, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$8,403.73 payment to Franklin Direct Mail & Printing on November 23, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$3,000 payment to American Express-Sky Delta on November 29, 2004. The purpose of the disbursement was for "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 Year End Report.

2503851601

- A \$4,000 payment to Thomas Graphics on December 8, 2004. The purpose of the disbursement was for "FEA Campaign Materials for Voluntee[rs]." The payment qualified as an exempt volunteer activity. Therefore, the Party disclosed the disbursement on Line 21(b) of the accompanying amendment to the Year End Report.
- A \$25,000 payment to the United States Postmaster on November 24, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$74.74 payment to the United States Postmaster on November 26, 2004. The purpose of the disbursement was for "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 Year End Report.
- A \$6,104 payment to Screen Printing Express on December 8, 2004. The purpose of the disbursement was for "FEA Campaign Materials for Voluntee[rs]." The payment qualified as an exempt volunteer activity. Therefore, the Party disclosed the disbursement on Line 21(b) of the accompanying amendment to the Year End Report.

Sixth, the Commission requested a clarification of the terms "Admin – Professional Services, Expense Reimbursement, FEA Consulting, and Fundraising Expense," which the Party used to describe disbursements listed on Schedule B and Schedule H4 of the original Year End Report. The Party's report listed seventeen disbursements with these descriptions:

- A \$2,000 payment to SSW & Associates on November 23, 2004 for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for a "Fundraiser Event Planner." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$1,000 payment to Madeline Bergeron on December 6, 2004 for a "Fundraising Expense." The Party's accompanying amendment explains that the purpose of this disbursement was for a "Fundraiser Coordinator." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$315 payment to Connor Best on November 11, 2004 for "Admin – Professional Services." 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 \$90 payment to Connor Best on December 1, 2004 for "Admin – Professional Services." 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 \$110 payment to Jeanne Leveque on November 23, 2004 for "Admin – Professional Services." 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 \$40 payment to Jeanne Leveque on December 1, 2004 for "Admin – Professional Services." 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 \$297.50 payment to Nicole Licardi on November 23, 2004 for "Admin – Professional Services." 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 \$85 payment to Nicole Licardi on December 1, 2004 for "Admin – Professional Services." 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 \$150 payment to Audra Shay on December 8, 2004 for an "Expense Reimbursement." The Party's accompanying amendment explains that the purpose of this disbursement was for a "Reimbursement of Mileage." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$160 payment to Anna Thompson on November 23, 2004 for "Admin – Professional Services." 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 \$40 payment to Anna Thompson on December 1, 2004 for "Admin – Professional Services." 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 \$1,635 payment to Pi Enterprises, LLC on December 8, 2004 for "FEA Consulting." The Party's accompanying amendment explains that the purpose of this disbursement was for "Strategy/Administrative Services." This disbursement was not on behalf of any specifically identified federal candidate.

250385103

- A \$2,000 payment to Direct Mailing Services, Inc. on November 23, 2004 for "FEA 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 \$2,000 payment to Direct Mailing Services, Inc. on December 1, 2004 for "FEA 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 \$2,000 payment to Direct Mailing Services, Inc. on December 17, 2004 for "FEA 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 \$2,000 payment to Audra Shay on December 1, 2004 for an "FEA Consulting." The Party's accompanying amendment explains that the purpose of this disbursement was for a "Grassroots Coordinator." This disbursement was not on behalf of any specifically identified federal candidate.
- A \$240 payment to Connor Best on December 15, 2004 for "Admin – Professional Services." 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.

Eighth, the Commission has asked the Party to clarify all expenditures made for a "Facility Rental" on Schedule B and Schedule H4 of the original Year End Report.

- On Schedule B, the Party's report listed a \$1,925 payment to R&C Properties, LLC on December 2, 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 B, the Party's report listed a \$1,286 payment to Jacquin Grand Children, LLC on November 3, 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 \$44 payment to The Storage Center on December 6, 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

2503851604

Edward D. Ryan

July 20, 2005

Page 7

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.

Finally, the Party has amended the Year End Report by disclosing a transfer from the Nevada Republican Party on Line 12, and a transfer to the National Republican Senatorial Committee on Line 22. Because of a technical complication with campaign finance software, the Party is unable to list itemizations regarding the Slidell Republican Women's Club on Line 12.

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

Sincerely,



Bobby R. Burchfield

25038851605

