



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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April 16, 2010

Shelly Moskwa, Treasurer
Hillary Clinton for President
1825 K Street, Suite 1000
Washington, DC 20006

Response Due Date:
May 21, 2010

Identification Number: C00431569

Reference: Year End Report (10/1/09 - 12/31/09)

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 3 items:

1. Schedule A-P of your report discloses one or more contributions received after the primary election that are designated for the primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the primary election. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

If any contribution in question was incompletely or incorrectly reported, you must amend your original report with the clarifying information.

If a contribution exceeds the amount of net debts outstanding from the primary election, you may have to refund or redesignate the contribution.

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The funds can be retained if, within sixty (60) days of receipt, the excessive amount was 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) the 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))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters redesignating the contributions in question. Refunds are reported on Line 28 of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A-P of the report covering the period in which the authorization for the redesignation 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 or redesignate the excessive amount will be taken into consideration.

2. On Schedule B, Line 28(a) of your report, you have itemized negative entries with the purpose of "prior period void." These appear to offset refunds that were made regarding 2008 general election contributions. Please be advised that voided refund checks that are not re-issued for general election contributions may constitute excessive and/or prohibited contributions being retained by the committee. (2 U.S.C. §§ 441a(a) and (f); 11 CFR §§ 110.1(b), (e), and (k))

Any subsequent report(s) filed with the Commission must disclose the refund or redesignation of any general election contribution. Refunds or redesignations must be done within sixty days after the 2008 primary convention. (11 CFR § 103.3(b)(3)) Please take and report corrective

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action or amend your report if these transactions were incompletely or incorrectly disclosed.

3. Your report contains incorrect Column B figures for Lines 17(b), 17(c), 20(a), 20(d), 21, 22, 23, 28(a), 28(c), 28(d), and 30 of the Summary and Detailed Summary Page information. When aggregating and reporting receipts and disbursements, candidate committees are required to disclose their activity on an election-cycle basis, from 11/5/08 to 11/6/12. Please amend your report to show election cycle-to-date figures for all aggregate amounts. (2 U.S.C. § 434(b))

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) 694-1169.

Sincerely,



Lauren Lien
Senior Campaign Finance Analyst
Reports Analysis Division