



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

June 17, 2011

SUSAN A. TILLEY, TREASURER
KATHY HOCHUL FOR CONGRESS
4521 COPPERFIELD DR
HAMBURG, NY 14075

Response Due Date

07/22/2011

IDENTIFICATION NUMBER: C00494013

REFERENCE: AMENDED APRIL QUARTERLY REPORT (03/04/2011 - 03/31/2011),
RECEIVED 05/12/2011

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 2 item(s):

1. Schedule A of your report discloses one or more contributions designated for the special primary election that were received after March 19, 2011, the date the Democratic Party selected and certified the Candidate as the party's nominee. These contributions may only be accepted to the extent that the committee has net debts outstanding from the special primary election. For more information on how to calculate net debts outstanding, please see page 25 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <http://www.fec.gov/pdf/candgui.pdf>. (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, when it is delivered 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 disclosed or if the candidate was selected and certified as the Democratic Party nominee on a date different from that indicated above, you must amend your original report

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with the clarifying information.

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

The funds can be retained if, within 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 20(a), (b) or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR § 104.8(d) (2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political

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committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

Please inform the Commission of your corrective action immediately and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

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) 694-1154.

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Sincerely,

A handwritten signature in black ink that reads "Jill Sugarman". The signature is written in a cursive, flowing style.

Jill Sugarman
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

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Excessive and/or Prohibited Contributions
Kathy Hochul for Congress (C00494013)

Contributor Name	Date	Amount	Election
<i>The following committees are not registered with the Federal Election Commission:</i>			
Clarence Democratic Committee	3/18/11	\$500.00	SP2011
Committee to Elect Michael Johnson	3/23/11	\$200.00	SG2011
Erie County Democratic Committee	3/31/11	\$1,000.00	SG2011
Friends of Francis J. Pordum	3/30/11	\$100.00	SG2011
Friends of Mark Poloncarz	3/31/11	\$500.00	SG2011
Friends of Mary F. Holz	3/28/11	\$200.00	SG2011
Friends of Norm Polanski	3/30/11	\$500.00	SG2011
Friends of Sheila Meegan	3/22/11	\$100.00	SG2011
Genesee County Democratic Committee	3/30/11	\$750.00	SG2011
Kennedy for Senate	3/31/11	\$1,000.00	SG2011
Monroe County Democratic Committee	3/31/11	\$1,000.00	SG2011
Niagra County Democratic Committee	3/28/11	\$1,000.00	SG2011
O'Donnell for New York	3/23/11	\$1,000.00	SG2011
Orleans County Democrats	3/30/11	\$100.00	SG2011
Sedita for DA	3/16/11	\$1,000.00	SP2011
Town of Hamburg Democratic Endorsed Candidate Fund	3/21/11	\$100.00	SP2011
Warsaw Democratic Committee	3/28/11	\$250.00	SG2011

Excessive and/or Prohibited Contributions
Kathy Hochul for Congress (C00494013)

Contributor Name	Date	Amount	Election
Wyoming County Democratic Party	3/28/11	\$1,000.00	SG2011