



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 17, 2004

William Vanderbrook, Treasurer
David Vitter for US Senate
P.O. Box 8175
Metairie, LA 70011

Response Due Date:
September 16, 2004

Identification Number: C00394593

Reference: July Quarterly Report (4/1/04-6/30/04)

Dear Mr. Vanderbrook:

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. An adequate response must be received at the Senate Public Records Office by the response date noted above. An itemization of the information needed follows:

-Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

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Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is 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) your 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)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR §110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR §103.3(b)(1).

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Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution 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, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts" you must provide the Commission with a detailed description of your procedures for requesting the information.

The Commission notes that the Committee previously submitted a description of its "best efforts" procedures. These procedures were deemed incomplete for the following reason(s):

Your follow-up requests for contributor information

- did not contain a clear and conspicuous request for the contributor information. (11 CFR §104.7(b)(1))
- did not clearly ask for the missing information without soliciting a contribution. (11 CFR §104.7(b)(2))
- did not inform the contributor of the requirements of federal law for reporting of such information. (11 CFR §104.7(b)(1)(i))
- were not documented clearly in the form of written records/electronic files.
- did not include a pre-addressed post card or return envelope. (11 CFR §104.7(b)(2))

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Please amend your report to provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts", please refer to the Campaign Guide for Congressional Committees and Candidates.

-Commission Regulations define the term "purpose" to mean a brief statement or description of why a disbursement was made. Examples are "dinner expense", "media", "salary", "polling", "travel", "party fees", "phone banks", "travel expenses", "travel expense reimbursement" and "catering costs". Examples of election day and voter registration activity include "exit polling", "door-to-door get out the vote", "get out the vote phone calls" and "driving voters to the polls". Unacceptable descriptions, which require additional clarification, include but are not limited to "advance", "consulting", "commission", "contract labor", "retainer", "election day expense", "expenses", "invoice", "support", "expense reimbursement", "miscellaneous", "professional services", "get-out-the-vote", "voter registration" and "grass roots". (11 CFR §104.3(b)(4)(A)) Please amend Schedule B of your report to correct the descriptions that do not meet the requirements of the Regulations.

-Schedule B of your report discloses reimbursements to individuals for transactions other than travel, meals and lodging. Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20)

-For future reports, please be advised that contributions from individuals and political committees should be itemized on a separate Schedule A. Additionally, the total amount of these contributions should be reported on the appropriate line of the Detailed Summary Page information - (11(a), 11(b) and 11(c)). (2 U.S.C. §434)

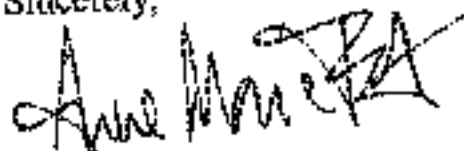
Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee.

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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.

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. 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) 694-1395.

Sincerely,



Anne Marie Brady
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive and/or Prohibited Contributions
 David Vitter for US Senate (C00394593)
 July Quarterly Report (4/1/04-6/30/04)

P = Primary Election
 G = General Election

CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	250.00	P
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	500.00	P
Atkins, William Jr.	05/14/2004	500.00	G
Atkins, William Jr.	05/14/2004	500.00	G
Atkins, William Jr.	05/14/2004	500.00	G
Atkins, William Jr.	05/14/2004	500.00	G
Atkins, William Jr.	05/14/2004	500.00	G
Atkins, William Jr.	05/14/2004	500.00	G
Brammer, L.	01/19/2004	300.00	P
Brammer, L.	03/01/2004	300.00	P
Brammer, L.	04/16/2004	250.00	P
Brammer, L.	05/17/2004	450.00	P
Brammer, L.	05/21/2004	1,000.00	P
Boh, Robert	05/07/2004	2,000.00	G
Boh, Robert	06/30/2004	2,000.00	G
Boh, Robert	06/30/2004	2,000.00	S
Boh, Robert	06/30/2004	2,000.00	S
Boh, Robert	06/30/2004	2,000.00	S
Candies, Paul B.	04/10/2004	2,000.00	S
Candies, Paul B.	04/10/2004	2,000.00	S
Candies, Paul B.	04/10/2004	2,000.00	S
Candies, Paul B.	04/10/2004	2,000.00	G
Candies, Paul B.	04/10/2004	2,000.00	G
Candies, Paul B.	04/10/2004	2,000.00	G
Crawford, John	05/14/2004	500.00	G
Crawford, John	05/14/2004	500.00	G
Crawford, John	05/14/2004	500.00	G
Crawford, John	05/14/2004	500.00	G
Crawford, John	05/14/2004	500.00	G
Crawford, John	05/14/2004	500.00	G

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Crawford, John	05/14/2004	500.00	P
Crawford, John	05/14/2004	500.00	P
Crawford, John	05/14/2004	500.00	P
Crawford, John	05/14/2004	500.00	P
Crawford, John	05/14/2004	500.00	P
Crawford, John	05/14/2004	250.00	P
Crawford, John	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	P
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Crawford, Edward III	05/14/2004	500.00	G
Ellis, Michael	03/30/2004	1,000.00	P
Ellis, Michael	03/31/2004	500.00	P
Ellis, Michael	05/07/2004	1,000.00	P
Gershanik, Juan	05/02/2004	1,000.00	S
Gershanik, Juan	05/20/2004	1,000.00	S
Hartman, James	03/22/2004	500.00	P
Hartman, James	05/13/2004	1,000.00	P
Hartman, James	05/28/2004	1,000.00	P
Hartman, James	06/21/2004	500.00	P
Khachaturian, Jon	05/27/2004	3,000.00	P
Lauer-Leonardi, Julie	06/15/2004	2,000.00	P
Lauer-Leonardi, Julie	06/26/2004	500.00	P
Noe, James	06/29/2004	5,000.00	P
Smith, James	03/31/2004	1,000.00	P
Smith, James	01/06/2004	2,000.00	P

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CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
Smith, James	05/12/2004	1,000.00	P
Smith, Celia	04/02/2004	2,000.00	P
Smith, Celia	05/28/2004	500.00	P
Spedale, Steven	06/04/2004	2,000.00	P
Spedale, Steven	06/04/2004	1,000.00	P
Toepfer, Roy	01/19/2004	1,500.00	P
Toepfer, Roy	01/19/2004	500.00	P
Toepfer, Roy	04/30/2004	1,000.00	P
Weir, Katherine	05/14/2004	500.00	P
Weir, Katherine	05/14/2004	500.00	P
Weir, Katherine	05/14/2004	500.00	P
Weir, Katherine	05/14/2004	500.00	P
Weir, Katherine	05/14/2004	500.00	P
Weir, Katherine	05/15/2004	500.00	P
Weir, Katherine	05/14/2004	500.00	G
Weir, Katherine	05/14/2004	500.00	G
Weir, Katherine	05/14/2004	500.00	G
Weir, Katherine	05/14/2004	500.00	G
Weir, Katherine	05/14/2004	500.00	G
Weir, Katherine	05/14/2004	500.00	G
KPAC	02/13/2004	5,000.00	P
KPAC	06/30/2004	5,000.00	P

