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This correspondence is in response to your requests for additional information (RAI), both dated November 9, 2012. These RFAs concern The 60 Plus Association's July quarterly report filed on July 10, 2012 and a 24 hour notice report filed on September 6, 2012.

First, regarding your request for additional information concerning the 24 hour notice report filed on September 6, 2012, you indicate that the report is deficient because no state was identified, allegedly in violation of 11 C.F.R. 109.10(e)(1).

The independent expenditure at issue here involved mail pieces sent to several states beginning on the second day of the Democratic National Convention. The independent expenditure identified a candidate for President of the United States, was not state specific, and was mailed to residents of several states. In addition, the presidential primary elections were over, but the general election period had not yet begun. Under these circumstances, there is no meaningful or sensible way in which to complete the 'state' field of the report - the expenditure was not made in connection with any state primary election, and the general election period had not begun. A report is only required to be filed because the Commission treats a national nominating convention as a separate 'election' that occurs after the state primary elections have concluded, but before the general election period commences.

The Form 5 instructions that appear on the FEC's website do not address the 'state' field of Form 5 at all. If RAD prefers, we will amend the report to show the 'state' as North Carolina, where the Democratic National Convention was held. Or, we could input any one of the several states into which these mail pieces were sent. We are happy to complete the form as instructed by RAD; please advise us of RAD's preference.

Second, in your letter concerning The 60 Plus Association's July Quarterly Report, covering activity from April 1, 2012 through June 30, 2012, you claim that the report is deficient because '[n]o contributions are disclosed on Line 6'. You indicate the report is therefore in violation of 11 C.F.R. 109.10(e)(1)(vi) and 114.10(f) because contributors who contributed in excess of \$200 used to fund independent expenditures must be disclosed.

The 60 Plus Association understands that approved template language is being used in this request. However, the language currently in use regarding the requirements of 11 CFR 109.10(e)(1)(vi) misstates that regulation. While the language used suggests that itemization is required for 'each contributor who made a donation in excess of \$200 used to fund the independent expenditure(s)' the cited regulation requires the reporting of '[t]he identification of each person who made a contribution in excess of \$200 to the person filing such report, which contribution was made for the purpose of furthering the reported independent expenditure (emphases adeed).' 11 C.F.R. 109.10(e)(1)(vi). The regulation focuses not on how an organization subsequently chooses to use a contribution, but whether the donor made the contribution 'for the purpose of furthering the reported independent expenditure.'

In the case of the 60 Pus Association, no contributions accepted by The 60 Plus Association were solicited or received 'for the purpose of furthering the reported independent expenditure.' Accordingly, no contributions were required to be reported under the regulations cited in the RFAI.

This response should satisfy the request. Please feel free to contact me if any further information is required. Thank you.

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