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FEC MAIL CENTER

45 North Hill Drive  
Suite 100  
Warrenton, VA 20186  
p/540-341-8808  
f/540-341-8809

August 10, 2011

Michelle Grant  
Senior Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: *American Majority Action, Inc., 2010 Year End Report***

Dear Ms. Grant,

This letter is submitted by the undersigned counsel on behalf of American Majority Action, Inc. (C900011891), in response to a Request For Additional Information dated July 6, 2011, regarding the organization's 2010 Year End Report and certain 24- and 48-hour reports.

With respect to the discrepancies you have identified on the 24- and 48-hour reports and the 2010 Year End report, we are now in the process of reviewing the appropriate records and preparing the appropriate additional filings and amendments as necessary to correct any oversight. We anticipate that any necessary amendments will be filed by August 20, 2011.

However, with respect to your first point, your letter states "each contributor who made a donation in excess of \$200 used to fund independent expenditure(s) must be itemized on Schedule 5-A." This is a misstatement of the applicable regulation. The regulation cited 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." 11 C.F.R. § 109.10(e)(1)(vi). The question is *not* how an organization subsequently chooses to use a contribution, but whether the donor's contribution was given "for the purpose of furthering the reported independent expenditure."<sup>1</sup> No contributions accepted by American Majority Action were solicited or received "for the

<sup>1</sup> See also Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn in MUR 6002 (Freedom's Watch, Inc.) at 5 ("In other words, a donation must be itemized on a non-political committee's independent expenditure report only if such donation is made for the purpose of paying for the communication *that is the subject of the report*" (emphasis in original)).

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purpose of furthering the reported independent expenditure." Accordingly, no contributions were required to be reported under the regulations cited in your Request For Additional Information.

American Majority Action, Inc., understands the applicable reporting regulations. If the organization receives any contributions that are subject to reporting requirements pursuant to 11 C.F.R. § 109.10(e)(1)(vi), those contributions will be reported as required. The omission of contributor information on future reports should not be assumed to be an oversight.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Torchinsky", written over a horizontal line.

Jason Torchinsky

Michael Bayes

Counsel to American Majority Action

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-4

July 6, 2011

AMERICAN MAJORITY ACTION INC.  
PO BOX 309  
PURCELLVILLE, VA 20134

IDENTIFICATION NUMBER: C90011891

**Response Due Date**  
**08/10/2011**

REFERENCE: YEAR END REPORT (1/1/10 - 12/31/10)

Dear Filer:

This letter is prompted by the Commission's preliminary review of the Report of Independent Expenditures Made and Contributions Received (FEC Form 5) 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 Commission by the response date noted above.** Additional information is needed for the following 3 item(s):

1. Line 7 of your FEC Form 5 filing discloses disbursements made for independent expenditure(s). However, no contributions are disclosed on Line 6, "Total Contributions." Each contributor who made a donation in excess of \$200 used to fund the independent expenditure(s) must be itemized on Schedule 5-A, including their identification information. Please amend your report to provide the missing information. (11 CFR §§ 109.10(e)(1)(vi) and 114.10(f))
2. Your quarterly report discloses independent expenditures that do not appear on 24-hour reports (see attached).

Commission regulations require that you file 48-hour reports once you make independent expenditures aggregating \$10,000 or more with respect to a given election during the calendar year up to and including the 20th day before the election. The report must be received at the Commission 11:59 p.m. Eastern Standard/Daylight Time by the second day after the communication was publicly distributed or otherwise disseminated. In the report, you must include information for all independent expenditures that have not been previously reported. Each time you make subsequent independent expenditures relating to the same election that aggregate \$10,000 or more, you must file another 48-hour report disclosing these independent expenditures. (11 CFR § 109.10(c) and (e))

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In addition, you are required to file 24-hour reports once your independent expenditures aggregate \$1,000 or more after the 20th day but more than 24 hours before 12:01 a.m. of the day of the election. The report must be received at the Commission by 11:59 p.m. Eastern Standard/Daylight Time of the day following the date on which the communication was publicly distributed or otherwise disseminated. In the report, you must include information for all independent expenditures that have not been previously reported. Each time you make subsequent independent expenditures relating to the same election that aggregate \$1,000 or more, you must file another 24-hour report disclosing these independent expenditures. (11 CFR § 109.10(d) and (e))

Please clarify the circumstances regarding the untimely disclosure of the independent expenditures in question.

3. Your 24-hour reports disclose independent expenditures that do not appear on Schedule 5-E of your quarterly report (see attached). Please amend your quarterly report to include these expenditures or provide an explanation of this apparent discrepancy. (11 CFR § 109.10(b))

**Please note, you will not receive an additional notice from the Commission on this matter. Requests for extensions of time in which to respond will not be considered.** Failure to comply with the provisions of the Act may 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.

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) 694-1168.

Sincerely,



Michelle Grant  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Missing 24-Hour Notices**

**American Majority Action Inc. (C90011891)**

Name	Date	Amount	Purpose	Candidate
Camelot Printing	10/29/2010	\$3,907.00	slate cards	Tom Ganley

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**Missing Schedule E****American Majority Action Inc. (C90011891)**

Name	Date	Amount	Purpose	Candidate
KRB Printing for Bus.	9/30/2010	\$356.00	Palm Cards	Lou Barletta
KRB Printing for Bus.	9/30/2010	\$356.00	Palm Cards	Mike Fitzpatrick
KRB Printing for Bus.	9/30/2010	\$356.00	Palm Cards	Keith Rofus
Camelot Printing	10/26/2010	\$511.50	Post Cards	Tom Ganley
Camelot Printing	10/26/2010	\$511.50	Post Cards	Robert Portman
Corcoran Printing	10/26/2010	\$15,000.00	Mailer	Christopher Carney
Skyline Pittsburgh	10/26/2010	\$1,511.00	Yard Signs	Mike Fitzpatrick
Skyline Pittsburgh	10/26/2010	\$1,511.00	Yard Signs	Pat Toomey
The Traz Group	10/26/2010	\$7,500.00	Mailer	Mike Fitzpatrick
The Traz Group	10/26/2010	\$7,500.00	Mailer	Pat Toomey

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Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
 The FEC added this page to the end of this filing to indicate how it was received.

<input checked="" type="checkbox"/> Hand Delivered	Date of Receipt 8/11/11
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<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

  
 PREPARER

8/12/11  
 DATE PREPARED

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