

RQ-2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

October 13, 2004

Ms. Kelly Peterson, Treasurer
Humane USA Political Action Committee
P.O. Box 19224
Washington, DC 20036

Response Due Date:
November 12, 2004

Identification Number: C00350439

Reference: Year End Report (7/1/03-12-31/03)

Dear Ms. Peterson:

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 Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B of your report discloses a transfer(s) totaling \$25,000 to what appears to be a non-federal account of your committee. Please be advised that committees that make disbursements in connection with federal and non-federal elections and have established separate federal and non-federal accounts, must allocate their expenses pursuant to 11 CFR §§106.6 and 106.7. Please provide further clarification regarding this transfer(s). The Commission recommends that you take steps to correct any non-compliance, and that you establish procedures to ensure future compliance with the allocation regulations.

-Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year.

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

HUMANEUSA POLITICAL ACTION COMMITTEE PAGE 2

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

-Line 6(a) of the Summary Page represents the total cash-on-hand as of January 1, 2003. This figure should be the same on all the reports covering the calendar year. Please amend your report to clarify the change made in Line 6(a).

-The beginning cash balance of this report should equal the ending balance of your Mid Year Report (1/1/03-6/30/03). Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.

HUMANEUSA POLITICAL ACTION COMMITTEE PAGE 3

-The totals listed on Lines 6(c), 7, 11(a)(iii), 12, 17, 21(b), 23, and 29, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (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. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2))
The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

-Please amend Schedule B supporting Line 23 by providing the office sought (House, Senate or President), state and congressional district, if applicable for each contribution made. 11 CFR §104.3(b)(3)(ii) and (v)

-Please amend your report by providing the address and purpose for each disbursement itemized on Schedule B supporting Line(s) 29 (but should be listed on Line 21(b)).

-Your report disclosed certain categories of financial activity that have been reflected on the wrong lines of the Detailed Summary Page. Other Federal Operating Expenditures, Transfers to Affiliated/Other Party Committees, Contributions to Federal Candidates/Committees and Other Political Committees, Contributions to Non-Federal Candidates/Committees should be properly disclosed on a separate Schedule(s) B (not H4), supporting Line(s) 21(b), 22, 23, and 29, respectively (not Line 21(a)(i) or 21(a)(ii)) of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

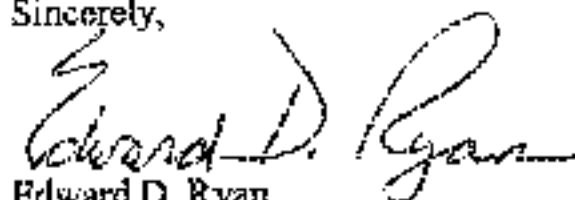
Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond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

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

HUMANEUSA POLITICAL ACTION COMMITTEE PAGE 5

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) 694-1144.

Sincerely,



Edward D. Ryan
Campaign Finance Analyst
Reports Analysis Division

HUMANEUSA POLITICAL ACTION COMMITTEE PAGE 6

Contributor Name	Date	Amount	Report
Jane Gale	1/23/2003	\$1,000	2003 Mid Year
Jane Gale	5/30/2003	\$2,500	2003 Mid Year
Jane Gale	11/11/2003	\$2,500	2004 Year End
Sandy Lerner	7/25/2003	\$5,000	2004 Year End
Sandy Lerner	12/30/2003	\$1,000	2004 Year End

