



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

May 25, 2011

RUSSELL EDWARDS, TREASURER  
GEORGIA FEDERAL ELECTIONS  
COMMITTEE  
1100 SPRING, SUITE 408  
ATLANTA, GA 30309

**Response Due Date**  
**06/29/2011**

IDENTIFICATION NUMBER: C00041269

REFERENCE: AMENDED 30 DAY POST-GENERAL REPORT (10/14/2010 - 11/22/2010),  
RECEIVED 04/27/2011

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 4 item(s):

1. 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(c) prohibit a State, district or local party committee (combined) from receiving any contribution from a person or non-multicandidate political committee in excess of \$10,000 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.

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

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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.

**2.** Schedule A supporting Line 15 of your report discloses a payment(s) from an organization(s) which is not a political committee(s) registered with the Commission (see attached). It appears the receipt(s) was for goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be an in-kind contribution(s) received by your committee from an unregistered organization(s) and is prohibited subject to the limits set forth at 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b).

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3. The limitation on making coordinated party expenditures on behalf of a House candidate in the State of Georgia for the 2010 general election is \$43,500. Your reports, however, disclose coordinated party expenditures made on behalf of "John Lewis" totaling \$45,397.81, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

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

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration

4. Schedule F supporting Line 25 of your report discloses expenditures to John Lewis indicating a congressional district that appears to be incorrect. Please amend your report to clarify the apparent discrepancies.

**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) 694-1139.

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Sincerely,

A handwritten signature in black ink that reads "Nicole Della Rocco". The signature is written in a cursive, flowing style.

Nicole Della Rocco  
Senior Campaign Finance Analyst  
Reports Analysis Division

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**Excessive Contribution From an Individual:**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Phil Walsh	10/26/10	\$12,000	2010 30 Day Post- General

**Receipt from an Unregistered Organization:**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>
Clarke County Democratic Committee	10/15/10	\$254.79

**Excessive Coordinated Party Expenditures:**

<b>Recipient Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>	<b>Report</b>
John Lewis	10/12/10	\$43,500.00	G-2010	2010 12 Day Pre- General
John Lewis	10/26/10	\$1,597.81	G-2010	2010 30 Day Post- General
John Lewis*	11/2/10	\$300	G-2010	2010 30 Day Post- General

\*The name listed under the Candidate Name field is on the report is "Jim Lewis"; however, the purpose of this expenditure is "Production Expenses/John Lewis for Congr." Please clarify for which candidate this expenditure was intended.