



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 1, 2009

Ranny Cooper, Treasurer
EMILY's List
1120 Connecticut Avenue NW, Ste 1100
Washington, DC 20036

Response Due Date:
May 1, 2009

Identification Number: C00193433

Reference: Amended 30-Day Post-General Report (10/16/08-11/24/08), received
2/11/09

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 6 items:

1. Schedule B 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(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

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

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

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Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

2. Schedule B supporting Line 28(a) discloses refunds of contributions received from "Robin Straus Furlong" and "Mary Moses". However, it appears that these contributions were not previously reported by your committee. Please amend the appropriate report(s) to disclose the original date of the contributions on Schedule A supporting Line 11(a)(i) of the Detailed Summary Page.

3. Schedule A of your 12-Day Pre-General Report (10/1/08-10/15/08) discloses a contribution totaling \$5,000 from "Mr. Bruce Bastian" which appears to exceed the limits set forth in the Act. Further, you indicate on your report that \$5,000 was transferred to your committee's nonfederal account on 10/17/08. However, you have failed to disclose the transaction during this reporting period. Any transfers-out should be disclosed on Schedule B supporting Line 22 of the report covering the period during which the transaction was made. Please amend your report to clarify this apparent discrepancy.

Please inform the Commission if you were unable to take corrective action as previously indicated and provide a photocopy of your check for any subsequent transfer-out. Although the Commission may take further legal action concerning the acceptance of a prohibited or excessive contribution(s), prompt action by your committee to transfer-out the amount will be taken into consideration.

4. Your report contains a Schedule C-1 but does not include a copy of the loan agreement. Commission Regulations require that you submit a copy of the loan agreement with the Schedule C-1. As an electronic filer, you must send a hard copy of the loan agreement via mail or courier. Please submit the missing document. (11 CFR §§104.3(d)(2) and 104.18(h))

5. Schedule E of your report indicates that your committee may have failed to file one or more of the required 24 hour notices regarding "last minute"

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independent expenditures (see attached). A political committee must file a 24 hour report with the Federal Election Commission as specified in 11 CFR §104.4(c), within 24 hours of any independent expenditures of \$1,000 or more with respect to a given election, made between two and twenty days before an election. The notice must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures that aggregate \$1,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

6. Schedule E discloses independent expenditures on behalf of federal candidates. Schedule B of this report disclosed in-kind contributions on behalf of some of these same candidates. Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

Further, 11 CFR §109.21 outlines the factors which define a coordinated communication. Please verify that the independent expenditures made by your Committee in support of "Elizabeth Helen Markey", "Debbie Halvorson", "Judith Baker", "Carol Shea-Porter", "Mrs. Linda Stender", "Alice Kryzan", "Mary Jo Kilroy", "Kay Hagan" and "Jeanne Shaheen" meet the definition of and were properly categorized as independent expenditures. If necessary, amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page).

If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of \$5,000 per election. Please inform the Commission immediately of any corrective action in writing and provide a photocopy of your refund request(s) sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

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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) 694-1141.

Sincerely,



Daniel T. Buckley
Senior Campaign Finance Analyst
Reports Analysis Division

EMILY'S LIST

Page 5

Excessive Contribution To a Candidate

Recipient Name	Date	Amount	Election	Report
Kryzan for Congress	09/18/2008	\$5,000.00	G-2008	2008 October Monthly
Kryzan for Congress	10/24/2008	\$2,800.00	G-2008	2008 30-Day Post-General
Alice Kryzan	10/30/2008	\$116.58	G-2008	2008 30-Day Post-General
Alice Kryzan	10/30/2008	\$6.96	G-2008	2008 30-Day Post-General
Alice Kryzan	10/31/2008	\$990.66	G-2008	2008 30-Day Post-General

Missing 24-Hour Notice

Name of Payee	Date	Amount	Purpose	Candidate
Stones' Phones	10/23/2008	\$1,991.16	Phone Banks	Steve Stivers

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