

Jon Kyl
U.S. SENATE

SECRETARY OF THE SENATE
05 FEB 24 AM 11:14

February 18, 2005

Secretary of the Senate
Office of Public Records
P.O. Box 5109
Alexandria, VA 22301-0109

RE: Jon Kyl for U.S. Senate C00279521
FEC Letter dated January 27, 2005

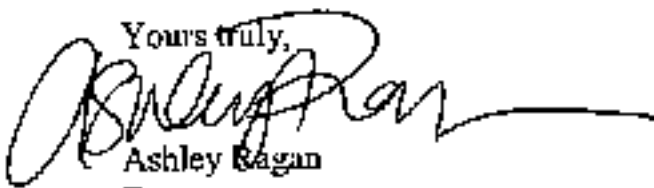
Dear Madam Secretary:

This letter is in response to the FEC letter referenced above. The FEC letter (copy enclosed) addressed two items. Responses are listed below.

Item 1. METLIFE Employees PAC appeared to have exceeded its 2006 Primary Election limit by \$3,500. Because of data entry errors, a check for \$1,000 received on June 15, 2004, and a check for \$2,500 received on August 10, 2004, were reported as having been designated for the 2006 Primary Election. However, both checks received from METLIFE Employees PAC clearly indicated that the contributions were for the 2006 General Election. Copies of the checks are enclosed. The suspected overage for the Primary Election was not noticed because the data entry clerk had placed two checks under a second record that had mistakenly been set up for METLIFE Employees PAC. Amendments to the July 15, 2004, Quarterly Report and the October 15, 2004, Quarterly Report have been mailed under separate cover.

Item 2. Three PAC's that might be affiliated had given a total of \$6,000 for the 2006 Primary Election. Pacilicare PAC has told us that they are not affiliated in any way with BLUEPAC or Blue Cross Blue Shield of Arizona PAC. Combined contributions from these latter two PAC's (which may be affiliated) total only \$2,000.

If you have any questions, please call me at (602) 840-0306 or (602) 451-4292.

Yours truly,

Ashley Bagan
Treasurer

Enclosures

P.O. Box 10246 • Phoenix, Arizona 85084-0246 • (602) 840-0306 • Fax (602) 840-1970

Paid for by Jon Kyl for U.S. Senate

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARY OF THE SENATE
RECEIVED FEB 24 AM 11:14

January 27, 2005

Clarence A. Delong, Treasurer
Jon Kyl for U S Senate
Post Office Box 10246
Phoenix, AZ 85064

Response Due Date:
February 28, 2005

Identification Number: C00279521

Reference: October Quarterly Report (7/1/04 - 9/30/04),

Dear Mr. Delong:

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 Senate Public Records Office by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (c) and (k))

JON KYL FOR US SENATE
PAGE 2

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.

Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR §110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the

JON KYL FOR US SENATE
PAGE 3

extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR §110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

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.

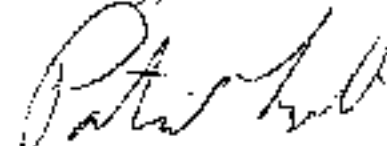
A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530

ION KYL FOR US SENATE

PAGE 4

(at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1171.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Leopold". The signature is written in a cursive, flowing style.

Patrick Leopold
Campaign Finance Analyst
Reports Analysis Division

497

Excessive and/or Prohibited Contributions
Jon Kyl for US Senate (C00279521)
October Quarterly Report (7/1/04-9/30/04)

P = Primary Election

| CONTRIBUTOR NAME | DATE | AMOUNT | ELECTION |
|---------------------------------------------------------------------------------------|------------|------------|----------|
| METLIFE EMPLOYEES PAC | 08/10/2004 | \$2,500.00 | P 2006 |
| METLIFE EMPLOYEES PAC | 06/15/2004 | \$1,000.00 | P 2006 |
| METLIFE EMPLOYEES PAC | 05/24/2004 | \$2,000.00 | P 2006 |
| METLIFE EMPLOYEES PAC | 11/14/2003 | \$1,000.00 | P 2006 |
| METLIFE EMPLOYEES PAC | 10/16/2003 | \$2,000.00 | P 2006 |
| PACIFICARE PAC | 07/26/2004 | \$4,000.00 | P 2006 |
| BLUEPAC - THE BLUE CROSS AND BLUE SHIELD ASSOCIATION PAC | 03/30/2004 | \$1,000.00 | P 2006 |
| BLUE CROSS BLUE SHIELD OF ARIZONA PAC | 10/16/2003 | \$1,000.00 | P 2006 |
| <i>Above committees are affiliated. See 11 CFR § 110.3(a)(1) for more information</i> | | | |

METLIFE INC
EMPLOYEES' POLITICAL PARTICIPATION FUND A
ONE METLIFE PLAZA
27-01 QUEENS PLAZA NORTH, AREA 4D
LONG ISLAND CITY, NY 11101

07/15/2004

PAY TO THE ORDER OF **Kyl for Senate**

\$2,500.00

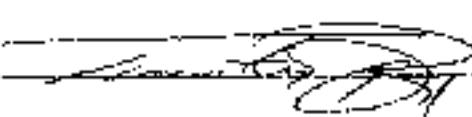
Two Thousand Five Hundred AND 00/100*****

DOLLARS

Attn: Brian Fitzgerald, Swidler Berlin, et al.
Washington, DC 20007

MEMO General-2006 U.S. Senate - Jon Kyl (R-AZ-)

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METLIFE INC
EMPLOYEES' POLITICAL PARTICIPATION FUND A
ONE METLIFE PLAZA
27-01 QUEENS PLAZA NORTH, AREA 4D
LONG ISLAND CITY, NY 11101

AMERICAN CHASE BANK
NEW YORK, NY 10017
1/2/10

56

05/27/2004

PAY TO THE ORDER OF **Jon Kyl for US Senate**

\$1,000.00

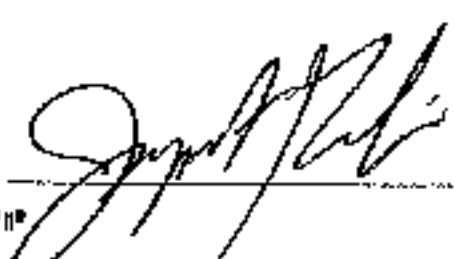
One Thousand AND 00/100*****

DOLLARS

507 Capital Court, NE, Suite 100
Washington, DC 20002

MEMO General-2006 U.S. Senate - Jon Kyl (R-AZ-)

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