



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

March 20, 2009

Betty Presley, Treasurer  
Our Country Deserves Better PAC  
30151 Tomas  
Rancho Santa Marga, CA 92688

**Response Due Date:**  
**April 20, 2009**

Identification Number: C00454074

Reference: 12 Day Pre-General Report (10/1/08 – 10/15/08)

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 10 items:

1. The totals listed on Lines 7, 24, 31 and 32, Column B of the Summary and Detailed Summary Pages 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.

2. Schedule B discloses an expenditure for "Postage." If a portion or all of these expenditures were for public communications (as defined by 11 CFR §100.26) or voter drive activity (under 11 CFR §106.6(b)(2)(i)) containing express advocacy as defined under 11 CFR §100.22, this would constitute an in-kind contribution or an independent expenditure and should be properly disclosed on a Schedule B or E supporting Line 23 or 24 as appropriate. Public communications and voter drive activity that refer to a clearly identified Federal candidate, but that do not expressly advocate the election or defeat of that candidate should be reported on Schedule B for Line 21(b) of the Detailed Summary Page. Please clarify whether this activity contained express advocacy and amend your report to properly disclose this activity, if necessary.

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3. Please clarify all expenditures made for "Internet Fundraising Web Campaign Costs" and "Internet Fundraising Costs" on Schedule B. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B or E supporting Lines 23 or 24 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

4. Schedule D supporting Line 10 of your report discloses \$58,430 in activity identified as MEMO entries that do not appear to correspond with any itemized transaction(s). Please be advised, a memo entry is used to disclose additional information about an itemized transaction and the amount of a memo entry is not included in the total debts and obligations owed by the committee at the end of the reporting period. Please amend your report to provide clarifying information regarding this activity.

5. Your report discloses payments on Schedule D to "Russo Marsh + Associates, Inc.," which have not been recorded on a disbursement schedule. Loan payments must be reflected on a Schedule B, E or F as well as on Schedule C, and debt payments must be reflected on a Schedule B, E, F, H4 or H6 as well as on Schedule D. Please amend your report to clarify this discrepancy. 2 U.S.C. §434(b)(5)(D)

6. Schedule E for Line 24 of your report discloses MEMO entries to "Charter Cable," "Cox Media," "KENV-TV," "KLAS-TV," "KOLO-TV," "KRNV-TV," "KRXL-TV," "KTNV-TV," "KTVN-TV," "KVBC-TV," and "KVVU-TV" as the payee(s) which require further clarification. If these MEMO entries were intended to disclose additional information about the payment to "Russo Marsh + Associates, Inc.," please amend your report to clarify the mathematical discrepancy. If this activity is an independent expenditure(s) disseminated this reporting period that will be paid in a later reporting period, please amend your report to also disclose this activity on a Schedule D supporting Line 10 if it is a reportable debt.

7. Schedule E of your report indicates that your committee may have failed to file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20<sup>th</sup> day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate

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\$10,000 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)

8. The independent expenditure schedule (Schedule E) should disclose the following information: the name and mailing address of the payee, the purpose of the expenditure, the date of payment, the amount of payment, the name and office sought, state and district (if applicable) of the federal candidate, the calendar year-to-date, per election, for office sought total, the election designation, an indication of whether the candidate was supported or opposed and the signature of the treasurer. Please amend Schedule E by providing an indication of whether the candidate was supported or opposed. 11 CFR §104.3(b)(3)(vii)

9. Itemized independent expenditures must include a brief statement or description of why the expenditures were made. Please amend Schedule E of your report to clarify the following description: "Production Costs." For further guidance regarding acceptable purposes, please refer to 11 CFR §104.3(b)(3).

10. Your committee filed 48 hour notices informing the Commission of independent expenditures made in support or opposition of federal candidates with "California Image Associates" as the payee. However, the amounts and dates of public dissemination disclosed on these notices do not appear to correlate with the entries on Schedule E, supporting Line 24 for the reporting period. If your committee has filed 48 hour notices supporting independent expenditures not reflected on your reports, you must file Schedule E during the appropriate reporting period to disclose these payments. Please amend your report to clarify this discrepancy and provide further information concerning these notices.

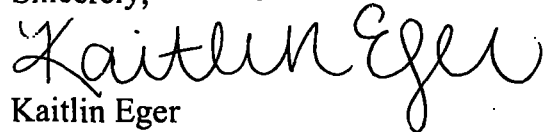
-Your report disclosed a category of financial activity that has been reflected on the wrong line of the Detailed Summary Page. Other federal operating expenses should be properly disclosed on a separate Schedule B, supporting Line 21(b) of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

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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- 1143.

Sincerely,



Kaitlin Eger  
Campaign Finance Analyst  
Reports Analysis Division

Missing 48 Hour Notice

Name of Payee	Date	Amount	Purpose	Candidate
Russo Marsh + Associates, Inc.	10/06/08	\$330.00	Production Costs	John McCain

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