



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 11, 2013

BEN LOMBARD, TREASURER
MAINE REPUBLICAN PARTY
9 HIGGINS STREET
AUGUSTA, ME 04330

Response Due Date**04/15/2013**

IDENTIFICATION NUMBER: C00003111

REFERENCE: AMENDED 12 DAY PRE-GENERAL REPORT (10/01/2012 -
10/17/2012), RECEIVED 02/04/2013

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 3 item(s):

1. Your amended report discloses an increase in disbursements totaling \$48,859.62 on Line(s) 21(b), 23 and 30(b) of the Detailed Summary Page from those disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. (11 CFR § 104.3)
2. Schedule A, supporting Line 11(c) of your report discloses transfers, totaling \$72,497.51 from "Target State Victory Fund," that appear to be received through joint fundraising efforts. However, "Target State Victory Fund" is not disclosed as a joint fundraising representative on your Statement of Organization. Please amend your Statement of Organization to disclose the joint fundraising representative or amend your report to provide clarifying information. (11 CFR §102.2)
3. Schedule H4 of your report discloses a payment(s) for "Polling," which appears to meet the definition of Federal Election Activity ("FEA") and may also meet the conditions of exempt party activity as defined under 11 CFR § 100.80, 100.87, 100.89 and 11 CFR §§100.140, 100.147 and 100.149. Please be advised that activity which simultaneously constitutes both exempt activity and FEA must be paid for as an FEA activity.

If this apparent exempt activity represents Get-out-the-vote activity conducted

MAINE REPUBLICAN PARTY

Page 2 of 3

in connection with an election in which one or more candidates for Federal office appear on the ballot, it is considered to be Federal Election Activity. If this apparent exempt activity represents Voter Registration activity during the period that begins on the date that is 120 calendar days before the date that a regularly scheduled Federal election is held and ends on the date of the election, it is considered to be Federal Election Activity. (11 CFR §100.24) Further, Levin funds may only be used for these types of FEA if there is no reference to a clearly identified candidate for Federal office. (11 CFR §300.32(b) and (c))

If this apparent exempt activity is a public communication(s) (as defined under 11 CFR §100.26) that refers to a clearly identified candidate for Federal office and promotes, supports, attacks or opposes any candidate for Federal office, it meets the definition of Federal Election Activity under 11 CFR §100.24 and must be paid for with 100% Federal funds and disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate.

It appears that you have allocated the costs for this activity between federal and non-federal funds. Any reimbursement from your committee's non federal or Levin account for Federal Election Activity costs referencing a clearly identified candidate for Federal office is not permissible and must be returned. (11 CFR §§300.32 and 300.33)

Please amend your report to clarify if the activity disclosed meets the conditions of exempt party activity and also if it meets the definition of Federal Election Activity. If the activity does not meet the conditions of exempt party activity, please clarify if it contains express advocacy. Further, please inform the Commission of any corrective action immediately and properly disclose this activity, if necessary.

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

MAINE REPUBLICAN PARTY

Page 3 of 3

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,

A handwritten signature in black ink that reads "Kaitlin Eger". The signature is written in a cursive style with a large, stylized 'K' and 'E'.

Kaitlin Eger
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division