

March 21, 2011  
FILED AS MISC. FORM 99

Rosa Lewis  
Reports Analysis Division  
Federal Elections Commission  
999 E St, NW  
Washington, DC 20463

RE: PROTECTING CHOICE IN CALIFORNIA 2010 (ID# C00488502) AMENDED 30 DAY POST-GENERAL REPORT (10/14/10 11/

Dear Ms. Lewis:

Our firm acts as campaign counsel for the above referenced committee and its treasurer. We are in receipt of your letter dated February 14, 2011 regarding the Post-General Report filed by our client. Below are responses to each of the issues raised in your letter.

Please see our letter responding to your letter regarding the Pre-General Report for our general comments concerning the nature of the committee s activities and the issues we encountered with our reporting software since several of the issues in this letter arise from the same circumstances.

1. Schedule E of your report indicates that your committee may have failed to file or timely file one or more of the required 24 hour notices regarding "last minute" independent expenditures (see attached).

Please be advised the committee filed all required 24 Hour Notices for its independent expenditure activities.

As we indicated in our earlier letter, the committee s independent expenditure activities included various types of grassroots voter contact and advocacy activities which were contributed to the committee. Accordingly, these were reported as both in-kind contributions to the committee and independent expenditures made by the committee. The majority of the in-kind contributions were donated employee time, and the reports were based on estimates of the employee time. These estimates were revised during the period leading up to the election, and thus may have resulted in what appear to be inconsistencies between the 24 Hour Notices and the Post-General Report.

For example, four of the items that you identified as not appearing on a 24 Hour Notice did in fact appear on a 24 Hour Notice dated October 17, 2010. However, the actual amounts of the activities were revised by the time the Post-General Report was filed.

More specifically, these items include nonmonetary contributions from Planned Parenthood Action Fund of San Diego and Riverside Counties (estimate of \$716.00 disclosed on 24 Hour Notice and actual of \$1041.00 disclosed on Post-General Report), Planned Parenthood Advocacy Project Los Angeles (estimate of \$1,360.66 disclosed on 24 Hour Notice and actual of \$2,445.05 disclosed on Post-General Report), Planned Parenthood Advocates Mar Monte (estimate of \$599.06 disclosed on 24 Hour Notice and actual of \$1082.12 disclosed on Post-General Report), and Planned Parenthood Affiliates of California (estimate of \$3,072.24 disclosed on 24 Hour Notice and actual of \$1,978.08 disclosed on Post-General Report). Pursuant to your telephone advice, in the future, the committee will include memo entries to explain the change in amount when disclosing an estimate on a late report and disclosing the actual payment on Form 3x.

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**ETEXT ATTACHMENT**

You also questioned whether a 24 Hour Notice for the \$1,000 payment to Robert Brigham was filed. This payment was made on October 25, 2010, and a 24 Hour Notice was filed on October 26, 2010. Please refer to the 24 Hour Notice filed October 26, 2010.

With respect to the nonmonetary contribution activities from Planned Parenthood of San Diego and Riverside Counties in the amount of \$1,143.50 and from Planned Parenthood Affiliates of California in the amount of \$1533.62, a 24 Hour Notice was timely filed on October 30, 2010. Enclosed is a copy of this report indicating it was timely filed. Please refer to the 24 Hour Notice filed October 30, 2010

Four payments to Planet Kelly, which you identified, are actually independent expenditures made during the Pre-General Period. These payments were reported as debts on Schedule D and memo entries on Schedule E of the Pre-General Report because the costs for these independent expenditures were incurred during that period. These payments were subsequently reported on Schedule E of the Post-General report because the debts were paid during that period. Amendments to the Pre- and Post-General Reports have been prepared to include memo entries indicating that these payments were reportable independent expenditures during the Pre-General Reporting period.

2. The committee has filed a 24 hour notices for an [sic] independent expenditures supporting Barbara Boxer (see attached) which have not been itemized on Schedule E supporting Line 24 of the Detailed Summary Page.

This question refers to the payment of \$612.00 to The Spoken Hub. This payment was actually made on October 13, 2010 and appears on the committee s Pre-General Report. The payment was entered and allocated for October 13, 2010 in our software. Due to a software error, the program included this as a payment on the 24-Hour Notice filed on October 14, 2010 with a date of October 14, 2010.

This payment was disclosed within 24 hours of being made, as required, and it was disclosed prior to the election. Additionally, this payment was disclosed with the correct date on the Pre-General Report. We do not plan to amend the 24 Hour Notice at this time because it is after the election, however we are happy to do so at your direction that this is required.

The remaining items you identified involved some of the estimated nonmonetary contributions that were reported on the 24 Hour Notice dated October 19, 2010. These were all reported on the Post-General Report, but several of the amounts had been revised to reflect the updated amounts available at the time of the preparation of the Post-General Report, as discussed above.

Specifically, these items include nonmonetary contributions from Planned Parenthood Action Fund of San Diego and Riverside Counties (estimate of \$716.00 disclosed on 24 Hour Notice and actual of \$1041.00 disclosed on Post-General Report), Planned Parenthood Advocacy Project Los Angeles (estimate of \$1,360.66 disclosed on 24 Hour Notice and actual of \$2,445.05 disclosed on Post-General Report), Planned Parenthood Advocates Mar Monte (estimate of \$599.06 disclosed on 24 Hour Notice and actual of \$1082.12 disclosed on Post-General Report), and Planned Parenthood Affiliates of California (estimate of \$3,072.24 disclosed on 24 Hour Notice and actual of \$1,978.08 disclosed on Post-General Report).

3. Your letter requests clarification on the description State Election Activity on Schedule B, line 29 of the report.

We have discussed this issue in detail with you, and amendments have been prepared which will amend the descriptions to state election communication or state election polling as appropriate, pursuant to your direction over the phone and in an email on March 2, 2011.

4. Your letter indicates that there is missing information on the Schedule E specifically the election designation.

We have identified three instances where an election designation was inadvertently omitted. An amendment to add these

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**ETEXT ATTACHMENT**

election designations has been prepared.

5. Your letter requests clarification of descriptions containing Voter Contact Activity on Schedule E.

We have also reviewed the descriptions with you, and amendments to the report have been prepared consistent with your guidance.

Please let us know if you have any questions concerning our responses to your letter. Please feel free to contact me if you have any questions.

Very truly yours,  
OLSON HAGEL & FISHBURN LLP  
DIANE FISHBURN  
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