



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 19, 2006

Judy Lichtman, Treasurer
Emily's List
1120 Connecticut Avenue NW, Suite 1100
Washington, DC 20036

**Response Due Date:
May 19, 2006**

Identification Number: C00193433

Reference: Amended June Monthly Report (5/1/05-5/31/05), received 1/26/06

Dear Ms. Lichtman:

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 Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A supporting Line 15 of your report discloses a payment(s) from a federal committee for goods and/or services provided by your committee. 11 CFR §100.52(d)(1) states that "...the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples of goods and services include equipment, supplies, personnel, membership lists and mailing lists. The term "usual and normal charge" for goods is defined as "...the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution". The usual and normal charge for services is defined as "...the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered." 11 CFR §100.52(d)(2)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided to the federal committee and explain the steps your committee took in determining the amount(s) charged. If your committee provided the goods and/or services at less than the usual and normal charge, the difference between the two is considered to be an in-kind contribution by your committee to the federal committee(s) and is subject to the limits set forth at 2 U.S.C. §441a. (11 CFR §100.52(d)(1))

2005052926

-Schedule A supporting Line 15 of your report discloses a payment(s) from individuals for apparent goods and/or services provided by your committee (see chart below). Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be contribution(s) received by your committee from an individual(s) and may be prohibited subject to the limits set forth at 2 U.S.C. §§441a(f) and 441b or 11 CFR §110.1(d).

Purpose of Receipt
Copies
Deliveries
Office Supplies
Parking
Postage
Printing
Telephone
Travel & Accommodations

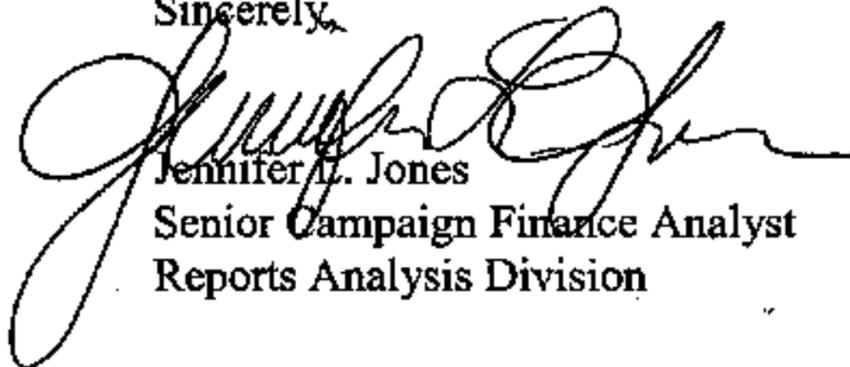
-Schedule H4 of your report discloses payments to "Accommodations Contact," "ACE Beverage," "American Express," "BAR ROUGE," "BIDDY MULLIGANS," "Borders Books," "Downs Stationers," "Giant Food," "GIDEON PUTNAM," "High Noon," "HYATT ISLANDIA," "Local 16," "Nibblers Catering," "Spezie" and "TEQUILA GRILL" which are categorized as Administrative expenses; however, the purposes of disbursement disclosed are "Catering/Facilities." Please be advised that payments made for your committee's fundraising activities must be allocated according to the funds received method and the ratio reflected on Schedule H2. Please amend your report to clarify the appropriate category for this activity or provide clarifying information regarding this apparent discrepancy.

26039052927

Please note, 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.

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) 694-1393.

Sincerely,



Jennifer L. Jones
Senior Campaign Finance Analyst
Reports Analysis Division

26039052929