



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 10, 2023

J. ASHLEY NEWMAN, TREASURER
BRITT FOR ALABAMA INC
PO BOX 3759
MONTGOMERY, AL 36109

Response Due Date
02/14/2023

IDENTIFICATION NUMBER: C00781443

REFERENCE: 30 DAY POST-GENERAL REPORT (10/20/2022 - 11/28/2022)

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. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,900 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 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. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k))

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 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

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For reattributions, excessive contributions from individuals can be retained if, within 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 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 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).

If you have not already done so, 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.

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Refunds are reported on Line 20(a), (b), or (c), as applicable, 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))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. Column B figures for the Summary and Post-Election Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report minus the Column C figures. Please file an amendment to your report to correct the Column B discrepancies for Line(s) 6(a), 6(c), 11(a)(i), 11(a)(ii), 11(a)(iii), 11(e), and 16 and all subsequent report(s) that may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/9/2016 through 11/8/2022). (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3)

3. Schedule A supporting Line 12 of the Detailed Summary Page(s) of your combined **2022** reports discloses transfer(s) that exceed the sum of memo Schedule A entries (see attached). Please note that the sum of memo Schedule A supporting a transfer(s) from a joint fundraising committee should be greater than or equal to the amount of the transfer(s).

Each participating committee shall report its share for **net** proceeds received from the joint fundraising committee as a transfer-in on Schedule A. A memo Schedule A must be provided to itemize your committee's share of the **gross** contributions received through the joint fundraiser. The memo schedule should itemize each individual who has contributed an aggregate in excess of \$200 during the election cycle and provide the amount of unitemized contributions received. In addition, the memo schedule should itemize your committee's share of all contributions from political committees, regardless of amount. (11 CFR § 102.17(c)(8)(i)(B)) Please amend your report to include the missing Schedule A or provide an explanation for this apparent discrepancy.

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

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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. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you 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) 694-1167.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Stilla", with a long horizontal flourish extending to the right.

Denise Stilla
Senior Campaign Finance Analyst

Apparent Excessive, Prohibited, and Impermissible Contributions
Britt for Alabama Inc. (C00781443)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Alford, Wesley T.	3/7/22	\$2,700.00	G2022
Alford, Wesley T.	11/8/22	\$2,900.00	G2022
Elrod, Russell	9/28/22	\$2,500.00	G2022
Elrod, Russell	9/28/22	\$10.00	G2022
Elrod, Russell	11/8/22	\$1,000.00	G2022
Gray, Ronald W.	3/7/22	\$2,900.00	G2022
Gray, Ronald W.	11/8/22	\$2,900.00	G2022
Key, Ii, Robert R.	12/31/21	\$2,900.00	G2022
Key, Ii, Robert R.	11/8/22	\$1,000.00	G2022
Lessmann, Kurt M.	6/8/22	\$2,900.00	G2022
Lessmann, Kurt M.	11/8/22	\$2,900.00	G2022
Mitchell, Beverly	6/18/21	\$2,900.00	G2022
Mitchell, Beverly	11/8/22	\$2,500.00	G2022
Pitts, D. Frank	3/7/22	\$2,100.00	G2022
Pitts, D. Frank	11/8/22	\$2,900.00	G2022
Winner, Ross	6/1/22	\$2,900.00	G2022
Winner, Ross	11/7/22	\$500.00	G2022

Joint Fundraising Transfers Exceed Memo Entries
Britt for Alabama Inc. (C00781443)

Win the Senate 2022

Report	Transfers	Memo Entries
2022 October Quarterly	\$97,704.60	\$110,162.24
2022 30 Day Post-General	\$14,890.90	\$0.00
Total	\$112,595.50	\$110,162.24