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May 16, 2008

Ms. Andrea Needles
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: C00295527
Reply to your April 16, 2008 correspondence

Dear Ms. Needles:

I write in reply to your letter dated April 16, 2008 to Kevin Allen, Treasurer of Citizens United Political Victory Fund ("CU-PVF"), requesting additional information regarding the Amended February 2008 Report that was filed on March 20, 2008. More specifically, you request "clarifying information" as to why \$12,890 in operating expenditures reported on the amended report were not disclosed on the original report.

The expenditures to which you refer represent a pair of disbursements for fund-raising fees paid to InfoCision Management Corporation ("InfoCision") on January 25, 2008. One check was for \$2,195.33 and the other was for \$10,694.60. On the date in question, a total of five checks were written to InfoCision in the amounts of \$1,130.62, \$1,198.83, \$2,195.33, \$10,694.60 and \$16,428.98.¹

InfoCision is a full service telemarketing firm based in Akron, Ohio. As part of their fee-based fund-raising services, InfoCision also provides certain administrative services, including, among other things, the maintenance of the CU-PVF bank account with JPMorgan/Chase Bank. CU-PVF's account representative at InfoCision writes the checks that are to be drawn on this account and submits them to the Citizens United offices for review and signature, usually via UPS overnight delivery. Once signed, checks written to

¹ The check in the amount of \$16,438.98 was not reported on the Initial February 2008 Report or the Amended February 2008 Report, but has been reported on a Second Amended February 2008 Report, which was filed on April 18, 2008.

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InfoCision are generally returned to the company via the same delivery process. This is the account on which each of the transactions at issue was drawn.

CU-PVF's internal investigation reveals that the reporting error prompting the amended report involves transactions occurring near the end of the reporting month. Two of the five January 25, 2008 checks to InfoCision cleared the CU-PVF bank account prior to the end of January 2008 and were included in that month's bank account statement. Because the January 2008 bank account statements had not been reconciled prior to the filing of the February 2008 Report, this led to the mistaken conclusion that all checks written to InfoCision on that date had cleared the account.² The reporting error was not discovered until March, when two of the three outstanding checks appeared in the February 2008 bank statement. Those two checks – in the amounts of \$2,195.33 and \$10,694.60 were reported on the Amended February 2008 Report.³

CU-PVF regrets the mistakes that lead to the filing of the amended reports.⁴ We strive for complete accuracy in filing our disclosure reports and note that the mistakes were discovered by our own internal investigation and promptly corrected with the filing of amended reports. Also, in light of the repetition that has occurred, CU-PVF has instituted a policy change that we believe will prevent this type of mistake from happening in the future. Specifically, I have instructed the CU-PVF support staff to provide me with a copy of each and every check that is written on any CU-PVF bank account prior to distribution of the check to the payee. This should ensure that all checks that are written during a reporting period are properly reported on that period's disclosure report even if (1) the check does not

² Bank statements covering a given reporting month usually do not arrive until just days prior to the filing deadline; thus, there is not always sufficient time for the Citizens United bookkeeper to reconcile the bank statements prior to the preparation of the reporting data for inclusion in the disclosure report. (Citizens United employs the services of Public Affairs Support Services, Inc. for preparation of its FEC disclosure reports and needs to convey the reporting data to that company several days in advance of the reporting deadline to ensure that its reports are timely filed.)

³ In the course of preparing the Amended February 2008 Report, we inquired of InfoCision as to whether there were any other outstanding checks for the period and were advised that there were none. But when we received the March 2008 bank statement it included a \$16,428.98 check to InfoCision dated January 25, 2008. Hence, a Second Amended February 2008 Report disclosing that transaction was filed on April 18, 2008.

⁴ We recently discovered a similar reporting error in the April 2008 Report involving checks written to InfoCision near the end of March 2008. As in the case of the January 25, 2008 checks, this error involves checks that did not clear the account by the end of the month in which they were written; consequently, an Amended April 2008 Report is being prepared for filing.

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clear the bank account until a subsequent reporting period, or (2) the bank account on which the check was written has not been reconciled prior to preparation of the reporting data for inclusion in the disclosure report.

Please contact me if you should have any further questions regarding this matter.
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Boos', with a long horizontal flourish extending to the right.

Michael Boos
Vice President &
General Counsel
Citizens United

cc: Kevin Allen, Treasurer, CU-PVF

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