



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

RQ-2

November 26, 2024

DAVID BAUER, TREASURER
KEVIN KILEY FOR CONGRESS
9458 TREELAKE RD.
GRANITE BAY, CA 95746

Response Due Date
12/31/2024

IDENTIFICATION NUMBER: C00801985

REFERENCE: AMENDED OCTOBER QUARTERLY REPORT (07/01/2024 - 09/30/2024),
RECEIVED 11/03/2024

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 5 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 \$3,300 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. No political committee other than a qualified multi-candidate committee may make contributions to a candidate for federal office in excess of \$3,300 per election. The attached PACs did not meet the requirements for qualified multi-candidate status as of the date the contribution(s) was made to your committee. 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

KEVIN KILEY FOR CONGRESS

Page 2 of 6

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.

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

KEVIN KILEY FOR CONGRESS

Page 3 of 6

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. 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. Schedule A of your report discloses one or more contributions received after the 2024 primary election that are designated for the 2024 primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the 2024 primary election. For more information on how to calculate net debts outstanding, please see page 30 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <https://www.fec.gov/resources/cms-content/documents/candgui.pdf>. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

If any contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If a contribution was made by the contributor before or on the date of the applicable election, please amend your report to indicate this using memo text, or provide this information in a Miscellaneous Document (Form 99 for electronic filers).

If a contribution exceeds the amount of net debts outstanding from the 2024

KEVIN KILEY FOR CONGRESS

Page 4 of 6

primary election, you may have to refund or redesignate the contribution.

The funds can be retained if, within 60 days of receipt, the excessive amount was 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) the 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))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

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 redesignating the contributions in question. 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 are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation 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 or redesignate the excessive amount will be taken into consideration.

3. Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable

KEVIN KILEY FOR CONGRESS

Page 5 of 6

accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

4. Your amended report discloses an increase in receipts totaling \$49,111.44 on Line 16 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)

5. Schedule A supporting Line 12 of your report discloses transfers from Grow the Majority CA and Calif. Victory Fund 2024 that appear to be received through joint fundraising efforts. However, Grow the Majority CA and Calif. Victory Fund 2024 are not disclosed as joint fundraising representatives on your Statement of Organization. Please amend your Statement of Organization to disclose the joint fundraising representatives as authorized committees of the candidate or amend your report to provide clarifying information. (11 CFR § 102.2(b)(1)(i) and 11 CFR § 102.17(b)(2))

- Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, individual contributions should be properly disclosed on a separate Schedule A, supporting Line 11(a)(i) of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR §

KEVIN KILEY FOR CONGRESS

Page 6 of 6

104.3(a) and (b)) You can also refer to the FEC Campaign Guide for Congressional Candidates and Committees for further guidance on how to report earmarked contributions through a conduit. (11 CFR § 110.6(c)(2))

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 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 (RFAI), 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) 694-1620.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Seiler".

Mary Seiler
Senior Campaign Finance Analyst

Apparent Excessive, Prohibited, and Impermissible Contributions
Kevin Kiley for Congress (C00801985)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Cooper, Mark	3/30/24	\$3,300.00	G2024
Cooper, Mark	9/30/24	\$3,300.00	G2024
Cooper, Mark	10/6/24	-\$500.00	G2024
Draeger, Jay	8/28/23	\$500.00	G2024
Draeger, Jay	5/31/24	\$2,000.00	G2024
Draeger, Jay	7/31/24	\$2,000.00	G2024
Draeger, Jay	8/7/24	-\$900.00	G2024
Kampe, Diane	11/30/23	\$500.00	G2024
Kampe, Diane	12/29/23	\$500.00	G2024
Kampe, Diane	3/26/24	\$500.00	G2024
Kampe, Diane	5/28/24	\$500.00	G2024
Kampe, Diane	6/21/24	\$500.00	G2024
Kampe, Diane	8/1/24	\$500.00	G2024
Kampe, Diane	9/30/24	\$500.00	G2024
Lund, Kevin	3/29/23	\$3,300.00	G2024
Lund, Kevin	9/30/24	\$3,300.00	G2024
Smyth, Charles	6/19/23	\$3,300.00	G2024
Smyth, Charles	8/17/24	\$3,300.00	G2024
Smyth, Charles	9/29/24	\$3,300.00	G2024
Westby, Martin	11/30/23	\$700.00	G2024
Westby, Martin	12/29/23	\$1,000.00	G2024
Westby, Martin	2/29/24	\$1,000.00	G2024
Westby, Martin	3/28/24	\$500.00	G2024
Westby, Martin	9/19/24	\$1,000.00	G2024

Apparent Excessive Contributions from Committees not Qualified for Multi-Candidate Status

Contributor Name	Date	Amount	Election
Jobs And The Economy PAC	9/30/24	\$5,000.00	G2024

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Michael Rulli For Ohio State Senate	9/24/24	\$1,000.00	G2024