



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

March 25, 2021

LEONARD DAVID CHAVEZ, TREASURER  
REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO  
P.O. BOX 94083  
ALBUQUERQUE, NM 87199-4083

**Response Due Date**  
**04/29/2021**

IDENTIFICATION NUMBER: C00020818

REFERENCE: AMENDED OCTOBER MONTHLY REPORT (09/01/2020 - 09/30/2020),  
RECEIVED 01/05/2021

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 6 item(s):

1. Your amended report discloses an increase in receipts totaling \$559,788.68, and an increase in disbursements totaling \$558,765.52 from the amounts disclosed on your original report. Please amend your report or provide clarifying information as to why this activity was not disclosed on your original report. (11 CFR § 104.3)
2. Schedule B of your report discloses reimbursements to individuals for "Reimbursement: See Details, and "Food - MAGA meet." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in \$200 or more in a calendar year, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. Please amend your report to include the missing information and clearly identify on the Schedule B, which reimbursement each memo entry relates to. If itemization is not necessary, you must indicate so in an amendment to this report. (11 CFR §300.36(b), and Advisory Opinions 1992-1 and 1996-20, footnote 3)
3. Schedule B supporting Line 30(b) of the Detailed Summary Page discloses \$1,786.28 in disbursements for "Trump Merchandise - Caps, Signs, Banners," "Trump Merchandise - Caps, T-shirts, Mugs," "Trump Merchandise - Signs," and "Trump Merchandise - T-shirts" on behalf of "Donald Trump." Please be advised that a state or local party committee may pay for campaign materials (such as

REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO

Page 2 of 5

bumper stickers) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Political Party Committees.

If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate. Please amend your report or provide clarifying information.

4. Schedule A supporting Line 12 discloses a transfer(s)-in from "Republican National Committee RNC." Schedule B supporting Line 30(b) reflects payments for "Flags, Shirts, and other Campaign Event Materials," "Campaign Materials - Signs, Mugs," "Rally shirts," "Campaign Materials - Signs, Stickers," "T-shirts, Yard Signs," and "Printing Door Hangers." Please be advised that a state or local party committee may pay for campaign materials (such as pins, posters, bumper stickers and yard signs) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election and for voter drive activity conducted on behalf of the party's Presidential and Vice Presidential nominees. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Party Committees.

If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate. Please amend your report or provide clarifying information.

REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO

Page 3 of 5

5. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Media Advertisement," "Direct Mail," "Advertising," "Mailout," and "Printing" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

6. Schedule H4 supporting Line 21(a) of your report discloses a payment(s) for "Consultant - Communications." Please be advised that pursuant to 11 CFR §300.33(c)(1), expenditures for public communications (as defined by 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any such candidate for Federal office must not be allocated between or among federal and non-federal accounts. Only federal funds may be used.

Further, expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s). However, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b). Please amend your report to properly disclose this activity or provide clarifying information.

If this activity was categorized incorrectly, the Commission recommends that

REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO

Page 4 of 5

you immediately transfer the funds received by your federal account for this activity back to the non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

- Your report discloses certain categories of financial activity that have been reflected on the wrong lines of the Detailed Summary Page. For your information and consideration when preparing future filings, other federal receipts (dividend, interest, etc.) should be properly disclosed on a separate Schedule A, supporting Line 17 of the Detailed Summary Page, and other disbursements (including non-federal donations) should be properly disclosed on a separate Schedule(s) A, supporting Line(s) 29 of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing. (52 U.S.C. §30104(b) and FORM 3X Instructions)

- Schedule B supporting Line 21(b) of your report discloses a payment(s) for "Party Media Advertisement - No Candidate Mentioned" which appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, please be advised that Voter Identification, Generic Campaign and Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot is considered to be Federal Election Activity and should be disclosed on Schedule B for Line 30(b) of the Detailed Summary Page. (11 CFR §100.24) For your next filing, please refer to the instructions for each line when determining the proper categorization(s).

**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](http://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

REPUBLICAN CAMPAIGN COMMITTEE OF NEW MEXICO

Page 5 of 5

[www.fec.gov/help-candidates-and-committees/request-additional-information](http://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) 694-1157.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Chamorro', with a horizontal line extending to the left and a vertical line extending upwards from the middle.

Andrea Chamorro  
Senior Campaign Finance Analyst