



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 10, 2021

JOYCE FISCHER, TREASURER
BENNET FOR COLORADO
PO BOX 3078
DENVER, CO 80201

Response Due Date
09/14/2021

IDENTIFICATION NUMBER: C00458398

REFERENCE: JULY QUARTERLY REPORT (04/01/2021 - 06/30/2021)

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 2 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. Schedule A (see attached) discloses a contribution(s) from an individual(s) who has a mailing address outside of the United States of America. The Commission notes your additional explanation regarding the Committee's corrective action taken for **all** of these contributions. Please be advised that 52 U.S.C. § 30121(a) (formerly 2 U.S.C. §441e(a)) and 11 CFR §110.20 prohibit foreign nationals from making contributions in connection with any election for political office or in connection with any primary election, convention, or caucus held to select candidates for any political office.

If the apparently prohibited contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If your committee follows the safe harbor guidelines outlined under 11 CFR §110.20(a)(7) for all contributions received from a foreign address to ensure that the sources of these contributions are not foreign nationals, please provide a detailed description of your procedures. These procedures must be used in all cases where a contributor or donor uses a foreign passport or passport number for identification purposes, provides a foreign address, makes a contribution or donation by means of a check or other written instrument drawn on a foreign bank or by wire transfer from a foreign bank, or resides abroad. A committee is deemed to have conducted a reasonable inquiry into the contributor or donor's nationality if you seek and obtain copies of current and valid U.S. passport papers for U.S. citizens. No person may rely on this safe harbor if he or she has actual knowledge that the source of the funds solicited, accepted, or received is a foreign national.

If you have received a contribution from a foreign national, you must refund the impermissible contribution to the donor in accordance with 11 CFR §103.3(b). Please inform the Commission of your corrective action immediately in writing

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and provide a photocopy of your check for the refund. In addition, any refunds should be disclosed on Schedule B supporting Line 20(a) of the report during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution(s), prompt action on your part to refund or provide clarifying information concerning these contributions will be taken into consideration.

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) 694-1167.

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
Bennet for Colorado (C00458398)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Barron, Thomas A	4/14/20	\$2,200.00	P2022
Barron, Thomas A	6/14/21	\$2,900.00	P2022
Beidl, Gretchen	6/8/21	\$5,800.00	P2022
Dachs, Alan	12/19/17	\$2,700.00	P2022
Dachs, Alan	6/11/21	\$2,900.00	P2022
Davis, Anthony L	6/7/21	\$5,800.00	P2022
Donnelley, Robert G	6/28/17	\$500.00	P2022
Donnelley, Robert G	1/11/18	\$1,200.00	P2022
Donnelley, Robert G	1/24/18	\$1,000.00	P2022
Donnelley, Robert G	4/15/21	\$1,000.00	P2022
Engel, Marcy	3/15/21	\$2,900.00	P2022
Engel, Marcy	6/30/21	\$5,800.00	P2022
Fineman, Steven E	6/10/21	\$5,800.00	P2022
Klarman, Seth A.	4/14/20	\$2,800.00	P2022
Klarman, Seth A.	4/9/21	\$2,900.00	P2022
Klein, Joel	6/11/21	\$5,800.00	P2022
Ledley, Charles	4/14/20	\$2,800.00	P2022
Ledley, Charles	6/27/21	\$2,900.00	P2022
Murray, Carolyn	6/7/21	\$5,800.00	P2022
Rubin, James S.	3/15/21	\$2,900.00	P2022
Rubin, James S.	4/30/21	\$5,800.00	P2022
Sherr, Steven Nathan	3/12/21	\$1,000.00	P2022
Sherr, Steve Nathan	4/5/21	\$2,900.00	P2022
Strauss, Sally	6/8/21	\$5,800.00	P2022

Apparent Excessive, Prohibited, and Impermissible Contributions
Bennet for Colorado (C00458398)

Tyson, Barbara	1/21/21	\$500.00	G2022
Tyson, Barbara	2/11/21	\$500.00	G2022
Tyson, Barbara	3/16/21	\$250.00	G2022
Tyson, Barbara	3/30/21	\$250.00	G2022
Tyson, Barbara	4/9/21	\$250.00	G2022
Tyson, Barbara	4/30/21	\$250.00	G2022
Tyson, Barbara	5/24/21	\$250.00	G2022
Tyson, Barbara	6/1/21	\$500.00	G2022
Tyson, Barbara	6/29/21	\$150.00	G2022
Tyson, Barbara	6/29/21	\$100.00	G2022
Willner, Michael	6/8/21	\$5,800.00	P2022

Contributions from Individuals with Foreign Addresses

Contributor Name	Date	Amount	Election
Howard, Nicholas	4/28/21	\$1,000.00	P2022