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2003 MAY -3 P 3:48

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May 3, 2004

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Ms. Lynn M. Fraser
Assistant Director
ADR Office
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

**Re: NARAL Pro-Choice America PAC
ADR 158**

2004 MAY -3 P 4:26
OPERATIONS CENTER
FEC MAIL CENTER

Dear Ms. Fraser:

This is in response to your letter dated April 15, 2004 concerning certain independent expenditures of NARAL Pro-Choice America PAC (the "Committee"). You have asked about 24-hour reports for two of the Committee's independent expenditures.

One of these independent expenditures was reported on the Committee's original October 24, 2002 pre-general report as a cost estimate based on contracts the Committee had entered into as of the time the original pre-general report was filed. By the time the post-general report was filed, the actual amounts paid for these independent expenditures were adjusted (in an amended pre-general report and the post-general report) to reflect the actual amounts paid during the pre- and post-general reporting periods. Regarding the second 24-hour report, the Committee prepared the report in a timely manner and therefore is unsure as to why the Commission is not in receipt of the 24-hour report.

The independent expenditure paid to Squier Knapp Dunn for paid media on behalf of Tom Strickland in the amount of \$42,132.50 was reported on the Committee's pre-general report as two estimates of \$20,500.00 and \$21,500.00. Due to a computer software error, however, all the independent expenditure entries on the initial pre-general report were disclosed as aggregate totals instead of individual entries entered into the software. For example, if the Committee wished to disclose three payments or estimates of \$100,000 each to the same vendor, the software error caused the first entry to appear as \$100,000, the second entry to appear as \$200,000

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Perkins Coie LLP (Perkins Coie LLC in Illinois)

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and the third entry to appear as \$300,000, giving the impression that the total independent expenditure would be \$600,000 when in fact the aggregate total would only be \$300,000.

In the case of the Strickland independent expenditures, there were four entries entered into the software to the vendor Squier Knapp Dunn: \$131,922, \$107,100, \$20,500 and \$21,500. However when filed, the report showed the four entries as \$131,922, \$239,022, \$259,522 and \$281,022. (See Exhibit A) The software electronically filed aggregate totals instead of reporting the itemized entries entered by the Committee. This aggregation issue did not affect the summary page of the report, which accurately disclosed approximately \$1.2 million in actual and estimated independent expenditures undertaken by the Committee. Prior to any inquiry by the FEC, the Committee realized the software was miscalculating the entries and asked its software vendor to fix the problem, following which the Committee promptly amended its pre-general report. In addition, after receiving the final invoice (which was paid in the post-general period) the Committee reported the \$42,132.50 independent expenditure on its post-general report.

Regarding the second independent expenditure, on October 25, 2002, the Committee prepared a 24-hour report showing a payment to GMMB for paid media on behalf of Jeanne Shaheen in the amount of \$199,824.00. Computer records demonstrate ~~that~~ that this report was in fact generated on October 25, 2002. A copy of the prepared 24-hour report and the computer records is attached. (See Exhibit B) The Committee meticulously attended to its filing obligations with the Commission, disclosing 28 independent expenditures made in October 2002 alone. In fact, the Committee went beyond its requirement to disclose independent expenditures as they occurred or were paid for and disclosed 6 independent expenditures as estimates (based on plans and contracts in progress) on its pre-general report to give the public advanced notice that it would be conducting the activity. These estimates disclosed independent expenditures the Committee was making on behalf of Jeanne Shaheen.

The Committee is unsure why the Commission has no record of the 24-hour report being filed. The Committee sent the information to its report preparer to prepare the necessary filing, a draft report was prepared and the Committee had every reason to believe such report was in fact filed. We are uncertain why the FEC did not receive this report. Evidence that the 24-hour report for Jeanne Shaheen was prepared, along with the full disclosure of all the Committee's planned independent

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expenditure activity is proof that the Committee intended to disclose the expenditure in question.

However, whatever did occur, it was not the fault of Committee, who dutifully provided on a timely basis all required information to its report preparer. The sum of the evidence demonstrates that the Committee had every intention of, and took all reasonable steps to, file the 24-hour reports and had, of course, no intention of concealing its activity from the public.

If you need any further information, please do not hesitate to contact the undersigned.

Very truly yours,

Cassandra Lentchner/ca

Cassandra Lentchner
Counsel to NARAL Pro-Choice America
PAC



**SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 50 / 52
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) Natl Abortion & Reprod Rights Action League PAC	FEC IDENTIFICATION NUMBER C00079541
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Full Name (Last, First, Middle, Initial) of Payee Squier Knapp Dunn Mailing Address 511 2nd Street NE City Washington State DC Zip Code 20002 Date 10 09 2002 Amount 131922.00 Transaction ID: D150	Purpose of Expenditure TV Production Name of Federal Candidate supported or opposed by expenditure. Tom Strickland Office Sought: House <input checked="" type="checkbox"/> Senate Presidential State: CO District: _____ Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Category/ Type
Full Name (Last, First, Middle, Initial) of Payee Squier Knapp Dunn Mailing Address 511 2nd Street NE City Washington State DC Zip Code 20002 Date 10 09 2002 Amount +107,100.00 Transaction ID: D149	Purpose of Expenditure TV Production Name of Federal Candidate supported or opposed by expenditure Tom Strickland Office Sought: House <input checked="" type="checkbox"/> Senate Presidential State: CO District: _____ Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Category/ Type
Full Name (Last, First, Middle, Initial) of Payee Squier Knapp Dunn Mailing Address 511 2nd Street NE City Washington State DC Zip Code 20002 Date 10 12 2002 Amount +20,500.00 Transaction ID: D152	Purpose of Expenditure Direct Mail Name of Federal Candidate supported or opposed by expenditure Tom Strickland Office Sought: House <input checked="" type="checkbox"/> Senate Presidential State: CO District: _____ Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Category/ Type

(a) SUBTOTAL of Itemized Independent Expenditures	630466.00
(b) SUBTOTAL of Unitemized Independent Expenditures	0.00

(c) TOTAL Independent Expenditures

This page of the schedule is for the donor's use only. It should not be included in the donor's return. It should be retained by the donor for the donor's records or any other purpose. It is not to be used as evidence of any contribution to any candidate or authorized committee.

Date: _____
Signature: _____

24-19-115-3096

**SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 51/52
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (in Full) Natl Abortion & Reprod Rights Action League PAC		FEC IDENTIFICATION NUMBER C00079541	
Full Name (Last, First, Middle, Initial) of Payee Squier Knapp Dunn		Purpose of Expenditure Direct Mail	Category/Type
Mailing Address 511 2nd Street NE Washington DC 20002		Name of Federal Candidate supported or opposed by expenditure: Tom Brickland	
City State Zip Code Washington DC 20002		Office Sought: House <input checked="" type="checkbox"/> Senate Presidential	
Date Amount 4 th 10 th 2002 \$ 21,500.00		State: <u>CO</u> District: _____	
Transaction ID: D151		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Full Name (Last, First, Middle, Initial) of Payee Winning Connections		Purpose of Expenditure Phone Banks - Estimated	Category/Type
Mailing Address 317 Pennsylvania Avenue SE Washington DC 20003		Name of Federal Candidate supported or opposed by expenditure: Stanley Toshi Matsunaka	
City State Zip Code Washington DC 20003		Office Sought: <input checked="" type="checkbox"/> House Senate Presidential	
Date Amount 10 th 12 th 2002 2000.00		State: <u>CO</u> District: <u>4</u>	
Transaction ID: D141		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Full Name (Last, First, Middle, Initial) of Payee Winning Connections		Purpose of Expenditure Phone Banks - Estimated	Category/Type
Mailing Address 317 Pennsylvania Avenue SE Washington DC 20003		Name of Federal Candidate supported or opposed by expenditure: Stanley Toshi Matsunaka	
City State Zip Code Washington DC 20003		Office Sought: <input checked="" type="checkbox"/> House Senate Presidential	
Date Amount 10 th 12 th 2002 6174.60		State: <u>CO</u> District: <u>4</u>	
Transaction ID: D140		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
(a) SUBTOTAL of Itemized Independent Expenditures ..		289196.60	
(b) SUBTOTAL of Unitemized Independent Expenditures ..		0.00	
(c) TOTAL Independent Expenditures ..			
<small>This page of the schedule is to be submitted only if the expenditure is for a federal election or a federal election campaign, or if the expenditure is for a federal election campaign and the candidate or political committee is a federal candidate or political committee.</small>			
Signature _____		Date _____	

FEC Schedule E (Form 3X) (Revised 5/2002)

2004-10-02 10:30:37

**SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES**



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FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) Nat'l Abortion & Reprod Rights Action League PAC	FEC IDENTIFICATION NUMBER C00079541
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Full Name (Last, First, Middle, Initial) of Payee GMMB, Inc.	Purpose of Expenditure Television Advertisements	Category/ Type
Mailing Address 1010 Wisconsin Avenue, NW Suite 800	Name of Federal Candidate supported or opposed by expenditure Jeanne Shaheen	
City Washington	State DC	Zip Code 20007
Date 10 24 2002	Amount 199824.00	Transaction ID: D153
Office Sought	House <input checked="" type="checkbox"/> Senate <input type="checkbox"/> Presidential	State: NH District
Check One	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	199824.00
(b) SUBTOTAL of Unitemized Independent Expenditures	0.00
(c) TOTAL Independent Expenditures.....	199824.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this M M day of D D Y Y Y Y

My Commission expires M M D D Y Y Y Y

Signature _____ Date M M D D Y Y Y Y

NOTARY PUBLIC

24.19.025.2008

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