



Federal Election Commission
Washington, DC 20463

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MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

BY: Lynn M. Fraser
Assistant Director, ADR Office

SUBJECT: Negotiated Settlement ADR 158
NARAL Pro-Choice America PAC and John Botts, Treasurer

DATE: July 7, 2004

SENSITIVE

Attached for your review is a signed agreement for ADR 158 (RR 03L-01) - Respondents NARAL Pro-Choice America PAC and John Botts, Treasurer. This case originated with a referral from RAD on February 27, 2004 and was assigned to the ADR Office on March 17, 2004.

ADR 158/RR 03L-01: RAD's review of the reports filed for the 2002 election cycle showed that Respondents failed to file two (2) 24-Hour Notices for independent expenditures totaling \$241,956.50. An independent expenditure on behalf of Ted Strickland ("Strickland") in the amount of \$42,132.50 was made on October 29, 2002. An independent expenditure on behalf of Jean Shaheen ("Shaheen") in the amount of \$199,824.00 was made on October 24, 2002. These expenditures were made after the 20th day but more than 24 hours before 12:01 a.m. of the day of the 2002 General election.

Respondents contend that the independent expenditure on behalf of Strickland was reported on the original pre-general report as a cost estimate based on the contract Respondents had entered into. Respondents also contend the 24-Hour Notice for the Strickland independent expenditure was filed on October 29, 2002. In addition, Respondents contend that the Shaheen independent expenditure was made on October 24, 2002 and the 24-Hour Notice was prepared on October 26, 2002. To the best of Respondents' knowledge, the Shaheen 24-Hour Notice was filed on October 26, 2002. Respondents have no explanation why the Commission has no record of the October 26, 2002 24-Hour Notice on the Shaheen independent expenditure.

Recommendation: We recommend that the Commission approve the negotiated settlement for ADR 158, and that we subsequently close the file on this matter and send the appropriate letters.

11-19-04