




FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 27, 2004

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman 
Director, ADR Office

SUBJ: Case for ADR Activation **ADR 186**

On August 6, 2004, the ADR Office (ADRO) received from OGC/CELA PMUR 421 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 186**, is appropriate for ADR and recommend that the case be assigned to the ADR Office.

ADR 186/PMUR 421: On a *sua sponte* submission, the National Committee to Preserve Social Security and Medicare advised of its failure to file "24-hour Notices" for expenditures made for advocacy mailings and radio advertisements pertaining to the June 1, 2004 South Dakota Special Election. In its submission, the Committee advertised that it spent \$1,704.57 on 5/17/04 for a mailing and \$8,510.00 on 5/25/04 for radio advertisements relating to the S.D. Special Election. Both expenditures were reported properly on the Committee's June monthly filing on Schedule E, except for a shipping expenditure for \$50 that was subsequently reported on the Committee's July monthly report.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 186** along with copies of the EPS Rating and ADR Rating Sheets. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case.

ADR Director's Recommendation: We recommend that **ADR 186/PMUR 421** be assigned to the ADR Office for processing.

ADR CASE ANALYSIS REPORT

ADR Case: 186

Respondents: National Committee to Preserve
Social Security & Medicare
Shelly C. Shapiro, Treasurer

PMUR: 421

Case Open Date: 6-28-04

Respondent's Rep: Shelly C. Shapiro

Date Forwarded to ADRO: 8-6-04

Committee Type: Political Committee

Date Reviewed by ADRO: 8-23-04

Committee Name: Nat'l Com. to Preserve S.S.

Election Cycle: 2004

District #/or State: -- N/A

Election: -- N/A

Complainant: *Sua Sponte*

Summary of Submission: On a *sua sponte* submission, the National Committee to Preserve Social Security and Medicare (the "Committee") advised of its failure to file "24-hour Notices" concerning expenditures made for advocacy mailings and radio advertisements pertaining to the June 1, 2004 South Dakota Special Election. In its submission, the Committee advised that it expended \$1,704.57 on 5/17/04 for a mailing and \$8,510 on 5/25/04 for radio advertisements relating to the S.D. Special Election.

Committee's Reply: The Committee advised that both expenditures exceeded \$1,000, were made within twenty days of the Special Election and should have been reported on "24-hour Notices". Both items were reported properly on the Committee's June monthly filing on Schedule E, except for a shipping expenditure for \$50 that was subsequently reported on the Committee's July monthly report. The Committee advised that the reporting errors were uncovered while they were preparing their monthly report. The Committee also noted in its submission that as a result of consultations with the PAC's attorney's and FEC analysts the Committees has a better understanding of BCRA's requirements regarding independent expenditures, which will "help avoid future errors".

Alleged Violations: 2 U.S.C. § 434(a)(1), 434(g)(1) and 11 C.F.R. §§ 104.4(c)

Issues:

- Committee reporting requirements - 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.1(a)
- 24 hour Notice Reporting requirement - 2 U.S.C. § 434(g)(1) and 11 C.F.R. § 104.4(c)

Analysis: The issues in this case relate to the Committee's requirement to report independent expenditures aggregating \$1,000 or more made after the twentieth day but more than twenty-four hours before the day of the election. In bringing the matter to the Commission's attention and acknowledging its reporting error, the Committee apparently hoped to avoid further action by the

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FEC. However, the Commission's statute and regulations are quite clear regarding a committee's obligations to report the subject disbursements and the time frame in which the subject expenditures should be made.

[REDACTED]

Recommendation: Assign to ADR

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