



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Thursday, July 21, 2005 4:00

RETURN TO COMMISSION SECRETARY BY: Tuesday, July 26, 2005 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: **ADR 273/MUR 5579 Lott for Congress and Jerry Deas, Treasurer. Recommendation to Assign Case. Memorandum from The Director, ADR dated July 20, 2005.**

() I approve the recommendation(s)

() I object to the recommendation(s)

() I am recused from voting

COMMENTS: _____

DATE: _____

SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

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THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

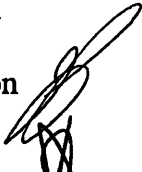
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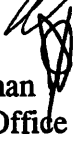
MEMORANDUM


July 20, 2005

SENSITIVE

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: ADR 273 Lott for Congress and Jerry Deas, Treasurer
Recommendation to Assign Case

On June 30, 2005, the ADR Office received MUR 5579 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR and recommend that it be assigned to the ADR Office.

SUMMARY: The Gene Taylor for Congress Committee filed a complaint that alleges Lott for Congress and Jerry Deas ("Respondents") failed to file the September 15, 2004 Quarterly Report, and the October 13, 2004 Pre-General Report. In their reply to the complaint, Respondents stated there is no quarterly report due on September 15, and that the failure to file the 2004 Pre-General Report was due to an oversight by the Treasurer. A review of the Commission's index of Respondents' reports indicates that Respondents' 2004 October Quarterly Report, due on October 15, was filed on December 2, 2004. The index of reports also lists Respondents' 2004 Pre-General Report, due October 13, 2004, was received by the Commission on November 4, 2004.

Attached for the Commission's review is the ADR Case Analysis Report, along with copies of the EPS Rating and ADR Rating reports. The ADR 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 ADR Case Analysis Report has been reviewed by the Office of General Counsel, which concurs in the description of the case.

RECOMMENDATION:

1. Assign ADR 273/MUR 5579 to the ADR Office.

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ADR CASE ANALYSIS REPORT

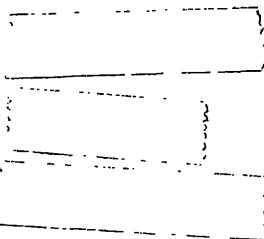
ADR Case: 273

MUR: 5579

OGC Case Open Date: 10/22/04

Date Forwarded to ADRO: 6/30/05

Date Reviewed by ADRO: 7/14/05



Respondents:

Lott for Congress

Jerry Deas, Treasurer

Respondents' Rep.: Jerry Deas

Committee Name: Lott for Congress

Committee Type: Authorized

District #/or State: MS 4th C.D.

Election - Won/Lost: Lost General

Election Cycle: 2004

Complainant: Gene Taylor for Congress Committee

Summary of Complaint: The Complainant alleged that Lott for Congress and Jerry Deas, Treasurer ("Respondents" or the "Committee") failed to file the September 15, 2004 Quarterly Report, and the October 13, 2004 Pre-General Report. The Complainant further alleges that Respondents stated to the media that the Committee received \$100,000 in contributions.

Respondents' Reply: The Respondents contend that there is no September 15, 2004 Quarterly Report, but that Respondents will correct any filing deficiency if notified by the Commission. The late filing was due to the Treasurer's oversight. Respondents stated they attempted to file the Pre-General Report, due October 13, 2004, manually on October 28, 2004, but the attempt was not successful. Respondents went on to state that the Pre-General, with contributions for the period of only \$600, was eventually electronically filed, and accepted by the Commission, on November 4, 2004.

Issues:

- Reporting requirements 2 U.S.C. § 434(a)(1), 11 C.F.R. §§ 104.1 and 104.3

Analysis: The FECA requires each treasurer of a political committee to file reports of receipts and disbursements in accordance with a schedule, set out in the statute and regulations. The Campaign Guide for Congressional Candidates and Committees, as well as information on the Commission website, clearly explain the reporting requirements, including the due dates of reports for different types of political committees, as well as the specifics of what information must be included. As pointed out in Respondents' reply, there is no September 15, 2004 Quarterly Report as alleged in the complaint, thus Respondents suggest there is no violation. There is, however, the 2004 *October* Quarterly due on October 15, 2004 and that, as of the

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October 20, 2004 date of the complaint, Respondents failed to file. Respondents do not address what could be, simply, a misstatement of the name of the month in the complaint. Commission records reflect Respondents' 2004 October Quarterly Report was filed December 2, 2004. The Pre-General Report due on October 13, 2004 was filed, according to Respondents and Commission records, on November 4, 2004.

The basis of the complaint was that the Committee was not filing critical reports disclosing last minute campaign finances as required by the FECA. Although Respondents do not address the failure to file the 3rd quarterly report, they concede they failed to file the Pre-General Report until they received the complaint from the Commission. Therefore, it appears that although there is a misstatement as to what reports were missing, the complaint is essentially correct.

Recommendation:
Assign to ADRO

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