



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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2005 JUL 22 P 12: 12  
July 20, 2005

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman  
Director ADR Office

SUBJECT: ADR 281 – Republican Main Street Partnership PAC and Steve Gunderson,  
Treasurer  
Recommendation to Assign Case

**SENSITIVE**

On July 1, 2005, the ADR Office received from RAD 05L-34 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 281**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**Summary:** RAD determined that the Republican Main Street Partnership PAC and Steve Gunderson, Treasurer, (the "Respondents") failed to file two 24-Hour Notices for independent expenditures totaling \$26,139.25 made after the 20<sup>th</sup> day but more than 24 hours before the Congressional Primary Election on August 3, 2004. Respondents initially advised that their failure to file the 24-Hour Notices arose because they were unable to receive invoices that would have triggered the filing of the report. The 24 Hour Notices later filed by Respondents on November 29, 2004 reflected the payment due date rather than Public dissemination date. On January 10, 2005, Respondents acknowledged that the payment due dates were erroneously listed on the 24-Hour Notices rather than the public dissemination dates.

Attached for the Commission's review is the *ADR Case Analysis Report on ADR 281* and ADR Rating Sheet. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office (ADRO) 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. If the Commission concurs in the recommendation to assign the matter to ADRO, the above case description will be provided to Respondents as part of ADRO's notification package sent to Respondents.

**Recommendation:**

1. Assign **ADR 281/RAD 05L-34** to the ADR Office.

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## ADR CASE ANALYSIS REPORT

ADR Case: 281

Respondents: Republican Main Street  
Partnership PAC  
Steve Gunderson, Treasurer

RAD: 05L-34

Respondents Rep: Steve Gunderson

Case Opened: --

Committee Type: Political Committee

Date Forwarded to ADRO: 7-1-05

Committee Name: Rep. Main St. Partnership PAC

Date Reviewed by ADRO: 7-14-05

Election Cycle: 2004

District #/or State: N/A

Election: N/A

Complainant: RAD Referral

**Summary of Referral:** RAD determined that the Republican Main Street Partnership PAC (the "Committee" or "Respondents") failed to file two 24-Hour Notices for independent expenditures totaling \$26,139.25 made after the 20<sup>th</sup> day but more than 24 hours before the Congressional Primary Election on August 3, 2004. Respondents initially filed on September 29, 2004 an amended September Monthly Report listing two independent expenditures totaling \$26,139.24 made on behalf of a federal candidate competing in the 2004 Michigan Primary election. A RFAI sent on October 22, 2004 referenced the Amended September Monthly Report and advised that the Committee may have failed to file the required 48-Hour Notice for the independent expenditures that totaled \$26,139.25. Respondents subsequently explained that their failure to file the 24 Hour Notices was due to the fact that the Committee did not receive production invoices relating to the subject expenditures until the day payment was due. Respondents at the same time amended their 2004 August Monthly Report to disclose the two independent expenditures as debt. RAD at that point determined that the Committee did not have to file 48-Hour Notices but instead was required to file 24-Hour Notices for the independent expenditures. Following a call from RAD, Respondents, thereafter, filed a 24-Hour Notice for the two independent expenditures. However, the date listed on the Notices reflected the payment date rather than the public dissemination date. A later RFAI advised the Committee that they may have failed to timely file one or more of the required 24-Hour Notices for the two subject independent expenditures.

**Respondents' Reply:** Initially, Respondents advised that their failure to file the 24-Hour Notices arose because they were unable to receive invoices that would have triggered the filing of the report. The 24 Hour Notices later filed by Respondents on November 29, 2004 reflected the payment due date rather than Public dissemination date. On January 10, 2005, Respondents acknowledged that the payment due dates were erroneously listed on the 24-Hour Notices rather than the public dissemination dates.

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**Analysis:** Political committees are required to ensure that the Commission receives reports of independent expenditures aggregating \$1,000 or more with respect to a given election, after the 20<sup>th</sup> day but more than 24 hours before the day of the election on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated. 11 C.F.R. § 104.4(c). RAD advised that if a communication is aired in one reporting period and payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated and on Schedule D if it is reportable as a debt. Respondents inadvertently listed the payment date rather than the day following the day on which the communication was publicly disseminated. They belatedly acknowledged their error and in an attachment to a miscellaneous report filed with the Commission on January 10, 2005 advised that the correct public dissemination date was July 26, 2004 and July 28, 2004. Respondents' acknowledgment reiterates the need for the filing of the 24-Hour Notices as directed by RAD.

**Issue:**

- Reporting of 24-Hour Notices, 2 U.S.C. § 434(g)(1)(A) and 11 C.F.R. § 104.4(c) and (f).
- Reporting of political committees, 2 U.S.C. § 434(b)(6)(B)(iii) and 11 C.F.R. § 104.4(b)(2)

**Recommendation:** Assign to ADR

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