



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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August 5, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director ADR Office

SUBJECT: **ADR 284** – Idaho Republican Party and Andrew Fales, Treasurer
Recommendation to Assign Case

SENSITIVE

On July 18, 2005, the ADR Office received from Audit AR 05-04 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 284**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: Audit determined that the Idaho Republican Party and Andrew Fales, Treasurer, “the Respondents”, failed to disclose the occupation and/or name of the employer for approximately 31% of the contributions received from individuals listed on Respondents’ disclosure reports received during the 2002 election cycle. In addition, Respondents failed to maintain “best efforts” notices and did not submit copies of such. Audit reviewed contributions itemized on Schedules A and concluded that the explanation “information requested” was filed for 90% of the aforementioned entries. Respondents maintained no samples of solicitation devices that would have enabled the Audit staff to verify what information initially had been requested. Respondents advised that their software automatically entered “information requested” in the occupation or employer field when it was left blank. They also stated that no further effort to obtain the information had been undertaken by Respondents’ staff. They subsequently advised that the software problem has been corrected and that revised established procedures, a copy of which was provided, have been put in place.

Attached for the Commission’s review is the *ADR Case Analysis Report* on **ADR 284** 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 284/AR 05-04** to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: # 284

Respondents: ID Republican Party
Andrew Fales, Treasurer

AR: 05-04

Case Open Date: 6-30-05

Respondent's Rep: Andrew Fales

Date Forwarded to ADRO: 7-18-05

Committee Type: State party committee

Date Reviewed by ADRO: 8-4-05

Committee Name: ID Republican Party.

Election Cycle: 2002

District #/or State: N/A

Election – Won/Lost: N/A

Complainant: Audit Referral

Summary of Referral: Audit determined that Respondents failed to disclose the occupation and/or name of employer for approximately 31% -- 171 out of 554 -- of the contributions received from individuals listed on Respondents' disclosure reports received during the 2002 election cycle. In addition, Respondents failed to maintain "best efforts" notices and did not submit copies of such. Audit reviewed contributions itemized on Schedules A and concluded that the explanation "information requested" was filed for 90% of the aforementioned entries. Respondents were unable to demonstrate that it had made any follow-up requests for the missing information. Respondents maintained no samples of solicitation devices that would have enabled the Audit staff to verify what information initially had been requested.

Respondents' Reply: In response to Audit's findings, Respondents advised that their software automatically entered "information requested" in the occupation or employer field when it was left blank. They also stated that no further effort to obtain the information had been undertaken by Respondents' staff. They subsequently advised that the software problem has been corrected and that revised established procedures, a copy of which was provided, have been put in place.

Issues:

- Contributor Information – 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 100.12
- Best Efforts – 2 U.S.C. 432(h)(2) and 11 C.F.R. § 104.7

Analysis: Treasurers are required when filing reports to identify each person who makes a contribution to the reporting committee during the reporting period whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year. Information to be disclosed is defined as name, mailing address, occupation, and the name of his and her employer. 11 C.F.R. § 100.12. Political committees are required to maintain and submit the aforementioned information when showing that the Committee has made the best effort to obtain

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that information. If the Committee submitted that information, they shall be considered to be in compliance with the Act. 2 U.S.C. 432(h)(2)(i). Treasurers and committees will be considered to have used "best efforts" if: 1) all written solicitations for contributions include a clear request for contributor's full name, mailing address, occupation and name of employer; 2) a statement that the requested information is required by Federal law; 3) where the requested information is missing that the treasurer has made at least one effort, within thirty (30) day of receipt, either in a written request or a documented oral request to obtain the data; 4) the request must not include any other information or solicitation other than a thank you to the contributor; and 5) an indication that if the information was not initially provided by the contributor it was obtained in a follow-up communication, it was obtained in the committee's records, or contained in reports that the committee had previously filed during the same two-year election cycle. 11 C.F.R. § 104.7.

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Recommendation: Assign to ADR

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