



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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SENSITIVE

MEMORANDUM

October 17, 2005

TO: The Commission

THROUGH: Robert J. Costa *RC*
Acting Staff Director

FROM: Allan D. Silberman *ADS/mt*
Director, ADR Office

BY: Lynn M. Fraser *LF*
Assistant Director, ADR Office

SUBJECT: ADR 300 New Hampshire Democratic State Committee
and Martha Fuller Clark, Treasurer
Recommendation to Assign Case

On September 30, 2005, the ADR Office received RR 05L-53 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: RAD referred the New Hampshire Democratic State Committee and Martha Fuller Clark, Treasurer ("Respondents" or the "Committee") for failing to disclose all disbursements in their 2004 12 Day Pre-General Report. RAD stated that the Committee filed a 12 Day Pre-General Report on October 21, 2004 disclosing Other Federal Operating Expenditures of \$227,129.22, and disclosing no Federal Election Activity Paid Entirely With Federal Funds, for total federal disbursements of \$227,129. The referral goes on to show that on December 10, 2004, the Committee filed an amended 2004 12 Day Pre-General that disclosed \$250,556.89 for Other Federal Operating Expenditures, \$27,295.33 for Federal Election Activity Paid Entirely With Federal Funds for a Total Federal Disbursements of \$277,852.22. This resulted in a difference in federal disbursements of \$50,723.22. Respondents contend that they filed the original report without the benefit of bank records, but when they received their statements from the bank and realized the errors, they filed the amended report.

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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.

If the Commission concurs in the recommendation, the above case description will be provided to Respondents as part of ADR Office's notification package sent to Respondents.

RECOMMENDATION:

1. Assign ADR 300/RR 05L-53 to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 300

Respondents:

New Hampshire Democratic State Committee
Martha Fuller Clark, Treasurer

RAD Referral: 05L-53

Respondents' Rep.: Martha Fuller Clark

Date Forwarded to ADRO: 9/30/05

Committee Type: State Party

Date Reviewed by ADRO: 10/4/05

Committee Name:

New Hampshire Democratic State Committee

District & State: NH

Election Won-Lost: N/A

Election Cycle: 2004

Summary of Referral: RAD referred the New Hampshire Democratic State Committee and Martha Fuller Clark, Treasurer ("Respondents" or the "Committee") for failing to disclose all disbursements in their 2004 12 Day Pre-General Report. RAD stated that the Committee filed a 12 Day Pre-General Report on October 21, 2004 disclosing Other Federal Operating Expenditures of \$227,129.22, and disclosing no Federal Election Activity Paid Entirely With Federal Funds, for total federal disbursements of \$227,129. The referral goes on to show that on December 10, 2004, the Committee filed an amended 2004 12 Day Pre-General that disclosed \$250,556.89 for Other Federal Operating Expenditures, \$27,295.33 for Federal Election Activity Paid Entirely With Federal Funds for a Total Federal Disbursements of \$277,852.22. This resulted in a difference in federal disbursements of \$50,723.22.

Respondents' Reply to RAD: Respondents contend that the original report was prepared without the benefit of bank statements. After the Committee received their bank statements, the report was amended to reflect the additional disbursements.

Issues:

- Failure to disclose all disbursements 2 U.S.C. § 434(b)(4)(A), 11 C.F.R. § 104.3(b)(1)(i), 300.36(b)(2)(iv)

Recommendation:

Assign to ADRO

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