

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 28, 2005

ANALYST: Brandis Zehr

I. COMMITTEE: New Hampshire Republican State Committee
(C00136457)
Robert Scott, Treasurer
134 North Main Street
Concord, NH 03301

II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)
2 U.S.C. §434(g)(1)
11 C.F.R. §104.4(c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to File 24-Hour Notices)

The New Hampshire Republican State Committee ("the Committee") failed to file two (2) 24-Hour Notices to support three (3) independent expenditures totaling \$68,965.00 made after the 20th day, but more than 24 hours before the 2004 General Election (Attachment 2).

Prior Notices listing the official filing dates for monthly filers during the 2004 calendar year were sent to the Committee on February 2, 2004 and August 27, 2004. The notices included a section titled *48- and 24-Hour Reports on Independent Expenditures*. This section reads: "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate" (Attachments 3 and 4).

On April 7, 2005, the Committee filed an Amended 2004, 30 Day Post-General Report which included a Schedule E (Itemized Independent Expenditures) disclosing

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three (3) independent expenditures totaling \$68,965.00 made on behalf of two (2) federal candidates.¹ The Committee failed to file the required 24-Hour Notices for these three (3) independent expenditures totaling \$68,965.00 for the 2004 General Election (Images 25990424880 and 25990424881).

On May 13, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2004, 30 Day Post-General Report, received April 7, 2005. Among other noted discrepancies, the RFAI stated that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures. In addition, the RFAI stated that, although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration. A chart was included with the RFAI identifying two (2) independent expenditures totaling \$68,119.16, for which a 24-Hour Notice had not been filed² (Image 25038812119).

On June 13, 2005, the Committee filed a miscellaneous electronic submission in response to the May 13, 2005 RFAI referencing the Amended 2004, 30 Day Post-General Report. The submission stated in part, "Due to a total lack of experience for all staff in this office dealing with Federal Election filings, we were unaware that the expenditures in question were, in fact, independent expenditures until a previous letter from your office was received and a lengthy conversation was held with Jennifer Jones that raised and answered that possibility and an amended report was filed to reflect the status of these disbursements as Independent Expenditures. As such, it was already past the required filing date for these expenditures to be reported as such within the 24 hour period" (Image 25991024178).

Also on June 13, 2005, the Committee filed another Amended 2004, 30 Day Post-General Report which included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditures totaling \$68,965.00 made on behalf of two (2) federal candidates (Images 25991024001 and 25991024002).

On June 20, 2005, a Reports Analysis Division ("RAD") analyst called the Committee regarding issues outlined in the RFAI referencing the Amended 2004, 30 Day Post-General Report, received April 7, 2005. The Analyst explained to Eileen Smigowski, Assistant Treasurer of the Committee, that the failure to file the required 24-Hour Notices was a matter which could be referred to the Federal Election Commission's Office of General Counsel (OGC). The Analyst advised Ms. Smigowski to file an additional miscellaneous electronic submission to further explain the situation (Attachment 5).

To date, there have been no further communications provided by the Committee regarding this matter.

¹ These disbursements were originally reported on Schedule B supporting Line 30(b) on the Committee's 30 Day Post-General Report (Images 24981607570-1) and Amended 30 Day Post-General Report, received January 10, 2005 (Images 25980138015-6 and 9) The Committee reclassified these disbursements as independent expenditures on the Amended 30 Day Post-General Report, received April 7, 2005.

² The chart did not include an independent expenditure totaling \$845.84.