

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: December 29, 2005

ANALYST: Abbie Hodgson

- I. COMMITTEE: National Rifle Association of America Political
Victory Fund
(C00053553)
Mary Rose Adkins, Treasurer
11250 Waples Mill Road
Fairfax, VA 22030
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)
2 U.S.C. §434(g)(1) and (2)
11 C.F.R. §104.4(b)(2) and (c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to File 48-Hour Notices and 24-Hour Notices)

The National Rifle Association of America Political Victory Fund (“the Committee”) failed to file one (1) 48-Hour Notice to support one (1) independent expenditure totaling \$195,399.34 disclosed on the Amended 2004 August Monthly Report, received September 16, 2004, and seven (7) 24-Hour Notices to support thirteen (13) independent expenditures totaling \$93,442.24 disclosed on the 2004 30 Day Post-General Report. Additionally, the Committee failed to include \$3,676.89 in activity on 24-Hour Notices filed to support independent expenditures disclosed on the 2004 30 Day Post-General Report (Attachment 2).

Prior Notices listing the official filing dates for monthly filers 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

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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" (Attachment 3).

Amended 2004 August Monthly Report

On August 19, 2004, the Committee filed the 2004 August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 24962145148). The report included a Schedule E (Itemized Independent Expenditures) disclosing (10) expenditures totaling \$437,995.63 made on behalf of eight (8) federal candidates. Based on the information and expenditures disclosed on the report, it appeared that the Committee was required to file one (1) 48-Hour Notice with the Commission (Image 24962145674).

On September 2, 2004, the Committee filed an Amended 2004 August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 24962328181). The amended report disclosed no change in the status of expenditures made by the Committee on Schedule E (Itemized Independent Expenditures) (Image 24962328707).

On September 16, 2004, the Committee filed an Amended 2004 August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 24971463375). The amended report disclosed no change in the status of expenditures made by the Committee on Schedule E (Image 24971463901).

On October 6, 2004, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2004 August Monthly Report, received September 16, 2004. The RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Notices for independent expenditures disclosed. 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.¹ (Image 24038532235).

On November 3, 2004, the Committee filed a miscellaneous electronic document in response to the RFAI referencing the Amended 2004 August Monthly Report, received September 16, 2004. The Committee stated, "The disbursements for the TV Ad Production, dated 7/22/04, were television production cost for ads that would run for the general election. Those TV ads were canceled and we inadvertently did not file the 48 hour report." (Image 24962824735)

On April 8, 2005, the Committee filed an Amended 2004 August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 25990430857). The amended report disclosed no change in the amount of expenditures made by the Committee on Schedule E (Itemized Independent Expenditures) (Image 25990431383).

On May 6, 2005, the Committee was sent an RFAI referencing the Amended August Monthly Report, received April 8, 2005². The RFAI noted that the Committee's reports did not appear to disclose a refund for the "TV Ad Production" disbursements.

¹ The RFAI included a chart that listed an incorrect amount of \$58,898 for the independent expenditure missing the 48-Hour Notice. The correct amount, \$195,399.34, is disclosed on the Amended August Monthly Reports.

² Please note, the RFAI incorrectly lists the filed date of the Amended 2004 August Report as April 20, 2005 versus the correct date of April 8, 2004.

These were disbursements that the Committee previously stated had been canceled. The RFAI requested clarification on the status of the refund (Image 25038810446).

On June 3, 2005, the Committee filed a miscellaneous electronic document in response to the RFAI referencing the Amended 2004 August Monthly Report. The text stated, "The TV Ads originally scheduled to run starting mid-August were cancelled. Upon further review those same TV Ads were run starting September 9, 2004, and a 48-hour report for the media was filed on September 10, 2004. The expenditure for the production was reported on Schedule E of our August Monthly Report however; the 48-hour report was inadvertently not filed. The report has now been filed." (Image 25990997163).

On June 3, 2005, the Committee filed a 48-Hour Notice to support the independent expenditure totaling \$195,399.34 as disclosed on the Amended 2004 August Monthly Report, received September 16, 2004 (Image 25990997159).

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

30 Day Post-General Report

On December 2, 2004, the Committee filed the 2004 30 Day Post-General Report, covering the period from October 14, 2004 to November 22, 2004. The report included a Schedule E (Itemized Independent Expenditures) disclosing two-hundred forty three (243) expenditures totaling \$4,298,948.46 made on behalf of forty-five (45) federal candidates. Based on the information and expenditures disclosed on the report, it appeared that the Committee was required to file one-hundred twelve (112) 24-Hour Notices with the Commission (Image 24991453983).

On January 5, 2005, an RFAI was sent to the Committee referencing the 2004 30 Day Post-General Report. Among other matters discussed, the RFAI noted that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures disclosed on the report. Furthermore, 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 (Image 25038682243).

On January 31, 2005, the Committee filed an Amended 2004 30 Day Post-General Report, covering the period from October 14, 2004 to November 22, 2004. The amended report disclosed no change in the amount of expenditures made by the Committee on Schedule E (Itemized Independent Expenditures) (Image 25980401512).

On February 4, 2005, the Committee filed another Amended 2004 30 Day Post-General Report, covering the period from October 14, 2004 to November 22, 2004. The amended report disclosed no change in the amount of expenditures made by the Committee on Schedule E (Itemized Independent Expenditures) (Image 25970178470).

On February 4, 2005, the Committee filed two (2) miscellaneous electronic documents in response to the RFAI referencing the 2004 30 Day Post-General Report and the Committee's failure to file 24 Hour Notices. The Committee stated, "Our 24 Hour notices reflect the dissemination date and our Schedule E filed with our 30-Day Post-General Report reflect payment date." The Committee further stated, "For those that were

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inadvertently not filed, we will submit documentation to the Commission.” A list of independent expenditures was included, along with the date disseminated and the date filed (Image 25970178048 and 25970178051).

On February 8, 2005, the Committee filed 24-Hour Notices to support sixty-one (61) independent expenditures totaling \$84,318.46 disclosed on the 2004 30 Day Post-General Report (Image 25970183049).

On February 11, 2005, the Reports Analysis Division (“RAD”) analyst called the Committee’s Treasurer, Mary Rose Adkins, and left a voice message referencing the 2004 30 Day Post-General Report. The Analyst stated that the Committee’s failure to file 24-Hour Notices for independent expenditures disclosed on the report is referable to the Office of General Counsel (Attachment 4).

The Committee’s Treasurer, Mary Rose Adkins, returned the Analyst’s call on February 11, 2005. In addition to other matters discussed, the Analyst asked the Committee to either file the missing 24 Hour Notices or to clarify when the notices were submitted. The Analyst faxed Ms. Adkins a spreadsheet listing the independent expenditures for which a 24-Hour Notice had not been filed. (Attachment 4)

At 16:47 on February 11, 2005, the Committee filed 24-Hour Notices to support three (3) independent expenditures totaling \$35,419.04 disclosed on the 2004 30 Day Post General Report (Image 25990047511).

On February 17, 2005, the Committee filed a miscellaneous electronic submission referencing the Analyst’s facsimile to the Committee on February 11, 2005. The text further clarified the dissemination and 24-Hour Notice dates for several independent expenditures disclosed on the 2004 30 Day Post-General Report (Image 25990075042).

On April 8, 2005, the Committee filed two Amended 2004 30 Day Post-General Reports, covering the period from October 14, 2004 to November 22, 2004. The amended reports disclosed no changes in the amounts of expenditures made by the Committee on Schedule E (Itemized Independent Expenditures) (Image 25980456679 and 25990432604).

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

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National Rifle Association of America Political Victory Fund (C00053553)

2004 30 Day Post-General Report

Independent Expenditure Overview for the 2004 General Election

Name of Payee	Date of Dissemination*	Date on Schedule E	Amount of Expenditure	Candidate	24 hour Notice Filed
Federal Express Corporation	10/14/2004	11/8/2004	\$1,051.20 24 Hour Notice Required	John Kerry (opposed)	2/8/2005
National Rifle Association of America	10/15/2004	10/15/2004	\$138.80	George W. Bush (supported)	2/8/2005
National Rifle Association of America	10/15/2004	10/15/2004	\$310.00	George W. Bush (supported)	2/8/2005
Federal Express Corporation	10/15/2004	10/15/2004	\$541.94	John Kerry (opposed)	2/8/2005
National Rifle Association of America	10/15/2004	10/15/2004	\$947.96 24 Hour Notice Required	John Kerry (opposed)	2/8/2005
Prolist Inc.	10/22/2004	11/4/2004	\$7,092.57	Donald Young (supported)	2/11/2005
Prolist Inc.	10/22/2004	11/4/2004	\$21,370.10 24 Hour Notice Required	Donald Young (supported)	2/11/2005
Federal Express Corporation	10/22/2004	11/8/2004	\$1,187.34 24 Hour Notice Required	John Thune (supported)	2/8/2005
Prolist Inc.	10/25/2004	11/5/2004	\$1,363.64	George W. Bush (supported)	2/11/2005

Attachment 2

National Rifle Association of America Political Victory Fund (C00053553)
2004 30 Day Post-General Report
Independent Expenditure Overview for the 2004 General Election, Continued.

Name of Payee	Date of Dissemination*	Date on Schedule E	Amount of Expenditure	Candidate	24 hour Notice Filed
Prolist Inc.	10/25/2004	11/5/2004	\$5,212.55 24 Hour Notice Required	George W. Bush (supported)	2/11/2005
Frank Parsons, Inc.	10/26/2004	10/26/2004	\$409.03	Christopher Bond (supported)	2/8/2005
Prolist Inc.	10/26/2004	11/22/2004	\$26,908.56 24 Hour Notice Required	Christopher Bond (supported)	2/8/2005
Prolist Inc.	10/26/2004	11/22/2004	\$26,908.55 24 Hour Notice Required	George W. Bush (supported)	2/8/2005

National Rifle Association of America Political Victory Fund (C00053553)

2004 30 Day Post-General Report

Independent Expenditure Overview for the 2004 General Election

Expenditures Omitted from 24 Hour Notices Filed

Name of Payee	Date of Dissemination*	Date on Schedule E	Amount of Expenditure	Candidate	Date of 24 Hour Notice Filed Omitting Expenditure	24 Hour Notice Filed
Federal Express Corporation	10/14/2004	11/8/2004	\$36.68	George Nethercutt (Supported)	10/25/2004	2/8/2005
Federal Express Corporation	10/19/2004	11/8/2004	\$21.86	James Demint (Supported)	10/23/2004	2/8/2005
Federal Express Corporation	10/20/2004	11/22/2004	\$394.30	John Kerry (Opposed)	10/21/2004	2/8/2005
Federal Express Corporation	10/21/2004	11/8/2004	\$53.50	Mel Martinez (Supported)	10/25/2004	2/8/2005
Prolist Inc.	10/22/2004	11/4/2004	\$285.44	Arlen Specter (Supported)	10/29/2004	2/11/2005
Prolist Inc.	10/22/2004	11/4/2004	\$94.74	Arlen Specter (Supported)	10/29/2004	2/11/2005
Prolist Inc.	10/22/2004	11/4/2004	\$215.64	Max Burns (Supported)	10/28/2004	2/11/2005
Prolist Inc.	10/22/2004	11/4/2004	\$71.57	Max Burns (Supported)	10/28/2004	2/11/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$12.31	Arlen Specter (Supported)	10/29/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$76.40	Arlene Wohlgemuth (Supported)	10/28/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$24.22	Heather Wilson (Supported)	10/28/2004	2/8/2005

*Date of Dissemination is clarified by the Committee on the filed 48 and 24-Hour Notices

National Rifle Association of America Political Victory Fund (C00053553)

2004 30 Day Post-General Report

Independent Expenditure Overview for the 2004 General Election
Expenditures Omitted from 24 Hour Notices Filed, Continued.

Name of Payee	Date of Dissemination*	Date on Schedule E	Amount of Expenditure	Candidate	Date of 24 Hour Notice Filed	24 Hour Notice Filed
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$514.29	James Demint (Supported)	10/28/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$921.64	Lisa Murkowski (Supported)	11/1/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$9.30	Max Burns (Supported)	10/28/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$803.11	Pete Coors (Supported)	11/1/2004	2/8/2005
Frank Parsons, Inc.	10/25/2004	10/26/2004	\$141.89	Robert Simmons (Supported)	10/28/2004	2/8/2005

*Date of Dissemination is clarified by the Committee on the filed 48 and 24-Hour Notices

National Rifle Association of America Political Victory Fund (C00053553)
 2004 Amended August Report
 Independent Expenditure Overview for the 2004 General Election

Name of Payee	Date of Dissemination*	Date on Schedule E	Amount of Expenditure	Candidate	48 hour Notice Filed
Ackerman-McQueen	9/9/2004	7/22/2004	\$195,399.34**	John Kerry (opposed)	06/03/05

* Date of Dissemination is clarified by the Committee on the filed 48 and 24-Hour Notices

**The RFAI referencing the Amended August Monthly Report, received 9/16/04 listed an incorrect amount of \$58,898 for the missing 48 Hour Notice.