

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 4, 2005

ANALYST: Elizabeth Boody

- I. COMMITTEE: Democratic Party of Oklahoma  
(C00190934)  
Nina Ritchie, Treasurer  
4100 North Lincoln Blvd.  
Oklahoma City, OK 73105
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)  
2 U.S.C. §434 (g)(1)  
11 CFR §104.4(c)
- III. BACKGROUND:

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

Democratic Party of Oklahoma ("the Committee") failed to file four (4) 24-Hour Notices for independent expenditures, totaling \$231,000, made after the 20<sup>th</sup> day but more than 24 hours before the 2002 General Election (Attachment 2).

On September 30, 2002, the Prior Notice listing the official filing dates for quarterly filers was sent to the Committee. The notice included a section titled *24 Hour Report on Independent Expenditures* which read as follows: "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file a 24-hour report. This reporting requirement is triggered if 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. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate." (Attachment 3)

On March 26, 2003, the Committee filed an Amended 2002 30 Day Post-General Report, covering the period from October 17, 2002 to November 11, 2005. The amended report included a Schedule E (Itemized Independent Expenditures) disclosing four (4) independent expenditures totaling \$231,000, all made on behalf of one (1) federal

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candidate. Based on the information and expenditures disclosed on the report, it appeared that the Committee was required to file four (4) 24-Hour Notices with the Commission (Image 23990605391).

On April 24, 2003, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2002 30 Day Post-General Report, received March 26, 2003. The RFAI noted 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 concerning the matter, the Committee's prompt response concerning the matter would be taken into consideration (Image 23038060867).

On May 15, 2003, a Second Request for Additional Information ("Second Notice") was sent to the Committee for failing to respond to the RFAI referencing the Amended 2002 30 Day Post-General Report, received March 26, 2003 (Image 23038082362).

On June 4, 2003, Treasurer Debbie Hogue-Downing submitted a miscellaneous text submission to the Commission stating, "Your next question pertains to the last minute independent expenditures that we apparently failed to file the 24 hour notices for, we apologize for this oversight. We have reviewed our procedures for handling these situations and feel that we have a much better procedure in place now. Please feel free to contact me if you have any questions or if additional information is needed." (Image 23991035591)

On June 2, 2005, the Reports Analysis Division ("RAD") analyst called Donna Russell, the Committee's report preparer, to tell her that the Democratic Party of Oklahoma had an outstanding issue on the Amended 2002 30 Day Post-General Report, received March 26, 2003. The Analyst stated that the Committee failed to file 24-Hour Notices for independent expenditures totaling \$231,000, all supporting a federal candidate in the 2002 General Election. The Analyst also advised the Committee to file the required notices and that any additional information the Committee could provide should be submitted in one week so it could be included within the referral. Ms. Russell said that she would speak with the Committee's lawyer to decide how to respond. She also told the analyst that the committee would respond by Thursday, June 9, 2005 (Attachment 4).

To this date, there has been no further communication received by the Committee regarding this matter.

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