06L-25

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: September 27, 2006

ANALYST: Daniel Buckley

27190271196

I. COMMITTEE: Emily's List (C00193433)
Judy Lichtman, Treasurer (3/2/06 - present)
Britt Cocanour, Treasurer (3/29/05 - 3/2/06)
1120 Connecticut Avenue NW, Suite 1100
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II. RELEVANT STATUTE: 2 U.S.C. § 432(b)(1)
11 C.F.R. § 102.8(a) and (c)
11 C.F.R. § 110.6(c)(1)(iii)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions/Transfers (Earmarked Contributions Forwarded Outside of Permissible Period)

On the Amended 2005 May Monthly Report, received June 8, 2005, the 2005 June Monthly Report, and the Amended 2005 October Monthly Report, received February 9, 2006, Emily's List ("the Committee") disclosed a total of $35,698.44 in deposited earmarked contributions received for authorized committees disbursed more than ten (10) days after receipt (Attachment 2).

2005 May Monthly Report

On May 18, 2005 the Committee filed a 2005 May Monthly Report covering the period from April 1, 2005 through April 30, 2005 (Image 25980510001).

On June 8, 2005, the Committee filed an Amended 2005 May Monthly Report covering the period from April 1, 2005 through April 30, 2005 (Image 259805354049). Schedule A (Itemized Receipts) of the report disclosed $40,809.00 in earmarked contributions, received between April 1, 2005 and April 26, 2005 and deposited in the Committee's account, on behalf of three (3) federal candidates. These earmarked contributions consisted of 764 entries from various individuals (Images 25980535966-6220). Also, disclosed on Schedule B (Itemized Disbursements) of the report, the Committee forwarded deposited earmarked contributions totaling $35,648.00 to three (3) federal candidates between April 14, 2005 and April 26, 2005.

However, a total of 453 deposited earmarked contributions totaling $22,320.00, were received on April 1, 2005, April 6, 2005, April 12, 2005, and April 14, 2005 and subsequently forwarded to three (3) federal candidates more than ten (10) days after receipt (Images 25980534405-4626).

On December 30, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2005 May Monthly Report, received June 8, 2005. Among other discrepancies, the RFAI noted that the Committee disclosed the apparent disbursement of earmarked contributions outside the permissible time period. Additionally, the RFAI stated that as a conduit or intermediary for an authorized committee, the Committee must forward any earmarked contribution along with a transmittal report, no later than ten (10) days after receiving the earmarked contribution (Image 25038941067).

On January 26, 2006, the Committee amended its 2005 May Monthly Report, which reflected no change in the deposited earmarked contributions disclosed on Schedules A and B (Images 26990128547-8801 and 26990126986-7207). In addition, the Committee also filed a miscellaneous electronic submission, in response to the RFAI, that stated in part, "Please be advised that EMILY's List, throughout its long history, has always worked carefully and diligently to comply with all FEC regulations. As to your inquiry regarding earmarked contributions during the above reporting period, please be advised that we were involved with staff changes. As soon as permanent staff was in place, our earmarked contributions process was again functioning to ensure proper compliance." (Image 26990126489)

On August 24, 2006, the Committee filed an Amended 2005 May Monthly Report which reflected no change in the deposited earmarked contributions disclosed on Schedules A and B (Images 26960341935-2189 and 26960340374-0595).

2005 June Monthly Report

On June 16, 2005, the Committee filed a 2005 June Monthly Report covering the period from May 1, 2005 through May 31, 2005 (Image 25970303461). Schedule A (Itemized Receipts) of the report disclosed $4,280.00 in earmarked contributions, deposited in the Committee's account, on behalf of three (3) federal candidates received between May 3, 2005 and May 26, 2005. These earmarked contributions consisted of 83 entries from various individuals (Images 25970304399-4426). Also, disclosed on Schedule B (Itemized Disbursements) of the report, the Committee forwarded deposited earmarked contributions totaling $8,941.00 to three (3) federal candidates between May 2, 2005 and May 25, 2005. However, a total of 83 deposited earmarked contributions, totaling $3,581.00[1], were received on April 20, 2005 and May 12, 2005 and subsequently forwarded to three (3) federal candidates more than ten (10) days after receipt (Images 25970303862-3919).

On December 30, 2005, an RFAI was sent to the Committee referencing the 2005 June Monthly Report. Among other discrepancies, the RFAI noted that the Committee disclosed the

[1] This amount includes a total of $3,106.00 in deposited earmarked contributions received during the 2005 May Monthly reporting period, but forwarded during the 2005 June Monthly reporting period.

apparent disbursement of earmarked contributions outside the permissible time period. Additionally, the RFAI stated that as a conduit or intermediary for an authorized committee, the Committee must forward any earmarked contribution along with a transmittal report, no later than ten (10) days after receiving the earmarked contribution (Image 25038941056).

On January 26, 2006, the Committee amended its 2005 June Monthly Report, which reflected no change in the deposited earmarked contributions disclosed on Schedules A and B (Images 26990133831-3858 and 26990133294-3351). In addition, the Committee also filed a miscellaneous electronic submission, in response to the RFAI, that stated in part, "Please be advised that EMILY's List, throughout its long history, has always worked carefully and diligently to comply with all FEC regulations. As to your inquiry regarding earmarked contributions during the above reporting period, please be advised that we were involved with staff changes. As soon as permanent staff was in place, our earmarked process was again functioning to ensure proper compliance" (Image 26990132576).

2005 October Monthly Report

On October 20, 2005, the Committee filed a 2005 October Monthly Report covering the period from September 1, 2005 through September 30, 2005 (Image 25980651114).

On February 9, 2006, the Committee filed an Amended 2005 October Monthly Report covering the period from September 1, 2005 through September 30, 2005 (Image 26990300001). Schedule A (Itemized Receipts) of the report disclosed $36,681.44 in earmarked contributions deposited in the Committee's account, on behalf of seven (7) federal candidates received between September 6, 2005 and September 28, 2005. These earmarked contributions consisted of 677 entries from various individuals (Images 26990302263-2888). Also, disclosed on Schedule B (Itemized Disbursements) of the report, the Committee forwarded deposited earmarked contributions totaling $36,681.44 to seven (7) federal candidates between September 18, 2005 and September 30, 2005. However, a total of 187 deposited earmarked contributions, totaling $9,797.44, were received on September 6, 2005 and September 15, 2005 and subsequently forwarded to seven (7) federal candidates more than ten (10) days after receipt (Images 26990300315-0541).

On April 28, 2006, an RFAI was sent to the Committee referencing the Amended 2005 October Monthly Report, received February 9, 2006. Among other discrepancies, the RFAI noted that the Committee disclosed the apparent disbursement of earmarked contributions outside the permissible time period. Additionally, the RFAI stated that as a conduit or intermediary for an authorized committee, the Committee must forward any earmarked contribution along with a transmittal report, no later than ten (10) days after receiving the earmarked contribution (Image 26039062337).

On May 24, 2006, the Committee amended its 2005 October Monthly Report, which reflected no change in the deposited earmarked contributions disclosed on Schedules A and B (Images 26940165726-5951 and 26940163378-3604). In addition, the Committee also filed a miscellaneous electronic submission, in response to the RFAI, that stated in part, "Please be advised that EMILY's List, throughout its long history, has always worked carefully and

diligently to comply with all FEC regulations. As to your inquiry regarding earmarked contributions during the above reporting period, an unforeseen computer glitch caused some earmarks to be forwarded after the 10 day period" (Image 26950131439).

On June 30, 2006, the RAD analyst called the Committee and requested to speak with the Committee Treasurer, Judy Lichtman, or the Committee's Assistant Treasurer, Caroline Fines. The person who answered the phone for the Committee advised the RAD analyst that both individuals were out of the office, but forwarded the Analyst to the voicemail of Susan Finkle, the Committee's Compliance Coordinator. The Analyst left Ms. Finkle a voicemail requesting that she return the call as soon as possible, in order to discuss a matter being referred to the Office of Alternative Dispute Resolution (ADR). When Ms. Finkle returned the RAD analyst's call, she was advised that several reports during calendar year 2005 were questioned for forwarding earmarked contributions outside of the permissible ten (10) day window, and that due to the nature of the violation; the matter would be referred to ADR. The Analyst advised Ms. Finkle that the Committee could file any additional clarifying information concerning the matter (Attachment 3).

Also on June 30, 2006, Ms. Finkle called the RAD analyst with additional questions concerning the ADR referral process. Among other questions, Ms. Finkle wanted to confirm which reports were involved in the referral to ADR. The Analyst informed Ms. Finkle that the Amended 2005 May Monthly Report, received June 8, 2005, 2005 June Monthly Report, and Amended 2005 October Monthly Report, received February 9, 2006 would be the reports referenced in the referral to ADR (Attachment 3).

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