



**Federal Election Commission
Washington, DC 20463**

May 1, 2007

Brian Svoboda, Esq.
Perkins Coie
607 14th Street, NW
Washington, DC 20005

Re: ADR # 352
Emily's List and Ranny Cooper, Treasurer

Dear Mr. Svoboda:

Enclosed is the signed copy of the agreement resolving the referral initiated on September 27, 2007 with the Federal Election Commission ("FEC/Commission") against Emily's List and Ranny Cooper, Treasurer ("Respondents"). The agreement for ADR 352 (RAD 06L-25) was approved by the Commission on April 19, 2007 – the effective date of the agreement.

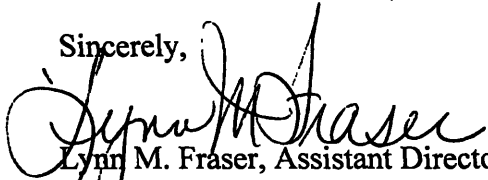
Note that paragraph 10 of the agreement specifies that Respondents shall comply with the terms of this settlement within 30 (thirty) days of the effective date of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 7 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 7.

As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

This agreement resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate

your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,


Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement



Federal Election Commission
Washington, DC 20463

Case Number: ADR 352
Source: RAD 06L-25
Case Name: EMILY'S LIST

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Commission entered into negotiations with Brian G. Svoboda representing the EMILY'S LIST and Ranny Cooper, in her official capacity as Treasurer ("the Committee" or "Respondents"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division ("RAD") referred Respondents after a review of 2005 monthly reports disclosed that Respondents disbursed \$35,698.44 in deposited earmarked contributions, received for authorized committees, more than ten (10) days after receipt. Respondents disclosed these earmarked contributions during the 2005 May Monthly, 2005 June Monthly, and 2005 October Monthly reporting periods.
4. The FECA requires that every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward such contribution to the treasurer of the intended recipient committee. 2 U.S.C. § 432(b)(1), 11 C.F.R. §§ 102.8(a), 102.8(c), 110.6(c).
5. Respondents acknowledge that 363 contributions, a very small percentage of the 77,000 transactions handled during the 2005-2006 election cycle, were forwarded to

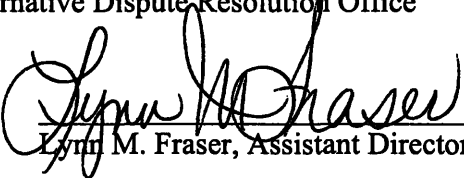
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the benefiting candidates outside the ten days required by the statute. Respondents contend that 302 contributions were forwarded over periods spanning 11 to 14 days after receipt, with the exception of 61 contributions received on April 6, 2005, which were forwarded 20 days after receipt.

6. Respondents contend that these contributions, received on eight dates in 2005, and mostly in the month of April, were delayed due, in part, to a change in staff responsible for issuing and delivering earmarked contributions to candidates. Another complication was the change in procedures for processing earmarked contributions; specifically, requiring the caging company to deposit the checks directly into an EMILY'S LIST account. While the change resulted in a more efficient process, it required adaptation by staff.
7. Respondents, in an effort to avoid similar errors in the future, strengthened its procedures for forwarding candidate contributions by requiring the caging company to deposit the contributions and forward the information about the contributions to Respondents more frequently. In addition, Respondents implemented personnel practices to ensure additional senior staff level supervision of the forwarding of contributions to benefiting candidates. Respondents agree to: (a) within six months of the effective date of this agreement, conduct mandatory training for all staff as to the requirements of 11 C.F.R. § 102.8 (the receipt of contributions and forwarding those contributions to the benefiting candidate no later than ten days after receipt); (b) the Committee will review each and every contribution disclosed on the six monthly reports following the effective date of this agreement to ensure timely forwarding pursuant to 11 C.F.R. § 102.8; and (c) within six months of the effective date of this agreement, Respondents would send the individual responsible for the receipt and forwarding of earmarked contributions to FEC training.
8. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge, and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
10. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms within thirty (30) days from the effective date of this agreement.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 352 (RAD 06L-25), and effectively resolves the issues identified in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

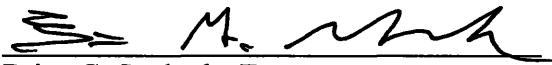
FOR THE COMMISSION:

Deborah Kant, Director
Alternative Dispute Resolution Office

By: 
Lynn M. Fraser, Assistant Director

4-19-07
Date Signed

FOR THE RESPONDENTS:


Brian G. Svoboda, Esq.
Representing EMILY'S LIST and Ranny Cooper, Treasurer

2 April 2007
Date Signed

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