

REPORTS ANALYSIS REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: March 24, 2009

ANALYST: Quy Vuong

- I. COMMITTEE: Mississippi Republican Party
(C00084368)
Tom Butchart, Treasurer (11/11/02 – Present)
P.O. Box 60
Jackson, MS 39205
- II. RELEVANT STATUTE: 2 U.S.C. §434(g)(1)
2 U.S.C. §434(b)
11 C.F.R. §104.4(c)

III. BACKGROUND:

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

The Mississippi Republican Party (“the Committee”) failed to timely file three (3) 24-Hour Notices to support three (3) independent expenditures totaling \$29,413.66 made after the twentieth day before but more than twenty-four hours prior to 12:01 a.m. on the day of the 2008 Mississippi 1st Congressional District Special General Election (Attachment 2).

The Prior Notice listing the official filing dates for monthly filers was sent to the Committee on January 31, 2008. The notice included a section titled “48- and 24-Hour Reports of Independent Expenditures” which read as follows:

“Any PAC or Party Committee that makes independent expenditures at any time during the calendar year – up to and including the 20th day before an election (including a special election) – are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time

disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days – up to 24 hours – before an election. PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4” (Attachment 3).

On May 20, 2008, the Committee filed a 2008 May Monthly Report covering the period of April 1, 2008 to April 30, 2008 which included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditures, totaling \$29,413.66, made in support of one (1) federal candidate. However, the Committee failed to disclose an election designation for these independent expenditures, and therefore a determination could not be made on whether the Committee failed to file the required 48- or 24-Hour Notices with the Commission. (Image 28931595718–19)

On July 9, 2008, a Request for Additional Information (“RFAI”) was sent to the Committee referencing the 2008 May Monthly Report. Among other discrepancies questioned, the RFAI noted that the Committee failed to provide the election designation for the independent expenditures disclosed on Schedule E (Image 28039763171).

On August 20, 2008, the Reports Analysis Division (RAD) analyst (“the Analyst”) called the Committee’s treasurer, Tom Butchart, to inform him that there were some issues that needed to be clarified on the 2008 May Monthly Report or the Committee could be referred for further Commission action. The Analyst informed Mr. Butchart that all the independent expenditures disclosed in the report needed to be amended to disclose the election designation as well as an adequate purpose. The Analyst also told Mr. Butchart that depending on which election the independent expenditures were designated for, the Committee would also need to file 48- or 24-Hour Notices for those independent expenditures. The Analyst told Mr. Butchart that at this point the 48- or 24-Hour Notices would be considered late, but they still needed to be filed, and that a response to this issue must be submitted within one week (Attachment 4).

On August 27, 2008, Mr. Butchart called the Analyst with questions regarding 48- or 24-Hour Notices for independent expenditures. Mr. Butchart asked what date determines if an independent expenditure falls within the 48- or 24-Hour Notice timeframe. The Analyst told Mr. Butchart that the date of dissemination, in addition to the election designation of the independent expenditure, determines if the activity requires either a 48- or 24-Hour Notice. Mr. Butchart then clarified that the independent expenditures in question required 24-Hour Notices and asked if they could all be disclosed on the same notice since they were already late. The Analyst advised Mr. Butchart that the 24-Hour Notices should be filed separately since each independent expenditure required a 24-Hour Notice (Attachment 4).

Also on August 27, 2008, Mimi Taylor, a representative of the Committee, called the Analyst to apologize for not addressing the issues regarding the independent expenditures when the Committee initially responded to the RFAI referencing the 2008 May Monthly Report. Ms. Taylor also wanted to confirm that she was correctly responding to the issues regarding the independent expenditures. Ms. Taylor informed the Analyst that she had

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marked "Other 2008" as the election designation because there was no option to designate the activity for the Special General Election in the filing software used by the Committee. The Analyst responded that the specific election designation needed to be disclosed. Ms. Taylor also said that she would make the purposes of the expenditures more specific (Attachment 4).

Subsequently on August 27, 2008, the Committee filed an Amended 2008 May Monthly Report. Based upon additional information disclosed on Schedule E of the report, it was determined that the Committee failed to file three (3) 24-Hour Notices with the Commission for three (3) independent expenditures in support of one (1) federal candidate totaling \$29,413.66 for the 2008 Mississippi 1st Congressional District Special General Election (Image 28991947856-57).

On October 1, 2008, a RFAI was sent to the Committee referencing the Amended 2008 May Monthly Report, received on August 27, 2008. The RFAI stated that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures in support of a federal candidate. A chart was included with the RFAI identifying the three (3) independent expenditures, totaling \$29,413.66, for which 24-Hour Notices were not filed for the 2008 Mississippi 1st Congressional District Special General Election. In addition, the RFAI stated that although the Commission may take further action, the Committee's prompt response will be taken into consideration (Image 28039842909).

On October 28, 2008, the Committee filed the required 24-Hour Notices (Image 28993081742-43).

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

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MISSISSIPPI REPUBLICAN PARTY
 Butchart, Tom
 FILING FREQUENCY: MONTHLY

P. O. Box 60

Jackson

PARTY QUALIFIED
 MS 39205

ID #C00084368

FORM	TYPE	RPT	TYPE	AI	PGI	REC	DATE	PGS	BEG	IMAGE	COVERAGE	DATES	BEG	CASH	RECEIPTS	DISBURSE	END	CASH	DEBTS	BY
1					A	7/16/2008		5	28932262362											
MS					T	8/04/2008		1	28932413473											
MS					2	10/28/2008		3	28993081742											
RQ					1	7/09/2008		3	28039762954		7/09/2008									
RQ	M4				2	6/04/2008		3	28039742474		3/01/2008	3/31/2008								
RQ	M5				2	7/09/2008		5	28039763170		4/01/2008	4/30/2008								
RQ	M5				2	10/01/2008		4	28039842909		4/01/2008	4/30/2008								
RQ	M9				2	1/23/2009		4	29039990582		8/01/2008	8/31/2008								
RQ	M10				2	1/23/2009		4	29039990578		9/01/2008	9/30/2008								
RQ	12G				2	1/28/2009		4	29039993726		10/01/2008	10/15/2008								
RQ	30G				2	1/30/2009		6	29030011264		10/16/2008	11/24/2008								
3	M2	N	P			2/19/2007		50	27930144908		1/01/2007	1/31/2007	54997	80780	54455	81322				0
3	M3	N	P			3/19/2007		51	27930315360		2/01/2007	2/28/2007	81322	86918	48561	119679				0
3	M4	N	P			4/19/2007		63	27930659425		3/01/2007	3/31/2007	119679	95773	71077	144375				0
3	M5	N	P			5/15/2007		48	27990066470		4/01/2007	4/30/2007	144375	38951	44469	138858				0
3	M5	A	P			6/18/2007		63	27930814380		4/01/2007	4/30/2007	144375	38951	44469	138858				0
3	M6	N	P			6/18/2007		48	27990155015		5/01/2007	5/31/2007	138858	36392	56681	118570				0
3	M7	N	P			7/18/2007		83	27990310993		6/01/2007	6/30/2007	118570	59894	99618	78846				0
3	M8	N	P			8/20/2007		70	27931119784		7/01/2007	7/31/2007	78846	36130	59164	55813				0
3	M9	N	P			9/20/2007		78	27931213093		8/01/2007	8/31/2007	55813	21720	65680	11852				0
3	M10	N	P			10/19/2007		73	27931469419		9/01/2007	9/30/2007	11852	168043	59207	120688				0

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FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	M11	N	P	11/19/2007	73	27931582807	10/01/2007 10/31/2007	120688	259512	83637	296563	0
3	M12	N	P	12/20/2007	85	27931699310	11/01/2007 11/30/2007	296563	7687	156241	148009	0
3	YE	N	P	1/23/2008	78	28990076512	12/01/2007 12/31/2007	148009	51554	76998	122565	0
3	M2	N	P	2/19/2008	54	28930595908	1/01/2008 1/31/2008	122565	56587	64346	114806	0
3	M2	A	P	2/20/2008	53	28990483362	1/01/2008 1/31/2008	122565	56587	64346	114806	0
3	M3	N	P	3/20/2008	38	28930825231	2/01/2008 2/29/2008	114806	46666	41950	119521	0
3	M4	N	P	4/18/2008	61	28990876593	3/01/2008 3/31/2008	119521	81849	70641	130729	0
3	M5	N	P	5/20/2008	60	28931595677	4/01/2008 4/30/2008	130729	134024	76556	188197	0
3	M5	A	P	8/18/2008	7	28039814127	4/01/2008 4/30/2008	-	-	-	-	0
3	M5	A	P	8/27/2008	61	28991947815	4/01/2008 4/30/2008	130729	134024	76556	188197	0
3	M6	N	P	6/18/2008	84	28931899055	5/01/2008 5/31/2008	188197	117407	120737	184867	0
3	M7	N	P	7/16/2008	77	28991490109	6/01/2008 6/30/2008	184867	47909	54012	178764	0
3	M8	N	P	8/19/2008	96	28991837992	7/01/2008 7/31/2008	178764	79486	77198	181052	0
3	M9	N	P	9/19/2008	120	28933100959	8/01/2008 8/31/2008	181052	231293	179600	232745	0
3	M9	A	P	2/20/2009	117	29991055063	8/01/2008 8/31/2008	181052	231293	179600	232745	0
3	M10	N	P	10/20/2008	106	28933605553	9/01/2008 9/30/2008	232745	222165	224205	230705	0
3	M10	A	P	2/20/2009	106	29991063736	9/01/2008 9/30/2008	232745	222165	224205	230705	0
3	12G	N	P	10/21/2008	76	28934005530	10/01/2008 10/15/2008	230705	324919	323473	232151	0
3	12G	A	P	12/01/2008	76	28993302783	10/01/2008 10/15/2008	230705	324919	363823	191801	0
3	12G	A	P	3/02/2009	76	29991634560	10/01/2008 10/15/2008	230705	324919	363823	191801	0
3	30G	N	P	12/04/2008	341	28993399539	10/16/2008 11/24/2008	191801	582141	669670	104272	0
3	30G	A	P	3/02/2009	218	29991634910	10/16/2008 11/24/2008	191801	582141	669820	104122	0
3	YE	N	P	1/29/2009	102	29932018387	11/25/2008 12/31/2008	104272	12277	70044	46505	0
3	YE	A	P	3/17/2009	98	29991760732	11/25/2008 12/31/2008	104122	12277	70094	46305	0
TOTAL									2880077	2888770		

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MS			T	2/20/2009	1	29932236797						
MS			T	2/20/2009	1	29932238946						
MS			T	3/02/2009	1	29991634636						
MS			T	3/02/2009	1	29991635128						
MS			T	3/17/2009	1	29991760841						
3	M2	N	P	2/20/2009	51	29991045939	1/01/2009 1/31/2009	46505	50657	59812	37350	0
3	M3	N	P	3/17/2009	50	29933361123	2/01/2009 2/28/2009	37350	87286	35980	88656	0
TOTAL									137943	95792		

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Mississippi Republican Party (C00084368)
2008 May Monthly Report (04/01/08 – 04/30/08)
24-Hour Reporting Period: 04/03/08 – 04/20/08

Overview of Late 24-Hour Notices

Name of Payee	Date of Expenditure (Schedule E)	Expenditure Amount	Candidate Supported	State and Date of Election	Date Notice Received
Scott Howell & Company	4/15/2008	\$15,210.00 24-Hour Notice Required	Charles Davis	Mississippi – 2008 Special General (4/22/08)	10/28/2008
Southern Insights, LLC	4/17/2008	\$6,750.00 24-Hour Notice Required	Charles Davis	Mississippi – 2008 Special General (4/22/08)	10/28/2008
Winning Edge Communications, LLC	4/18/2008	\$7,453.66 24-Hour Notice Required	Charles Davis	Mississippi – 2008 Special General (4/22/08)	10/28/2008
TOTAL		\$29,413.66			

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**MONTHLY
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

January 31, 2008

MONTHLY REPORTING SCHEDULE FOR 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
February	01/01/08 - 01/31/08	02/20/08	02/20/08
March	02/01/08 - 02/29/08	03/20/08	03/20/08
April	03/01/08 - 03/31/08	04/20/08	04/20/08 ²
May	04/01/08 - 04/30/08	05/20/08	05/20/08
June	05/01/08 - 05/31/08	06/20/08	06/20/08
July	06/01/08 - 06/30/08	07/20/08	07/20/08 ²
August	07/01/08 - 07/31/08	08/20/08	08/20/08
September	08/01/08 - 08/31/08	09/20/08	09/20/08 ²
October	09/01/08 - 09/30/08	10/20/08	10/20/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ²

Supplemental Filing Information is available on pages 2 and 3 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

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SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

As a monthly filer, you must file monthly reports in 2008. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/electfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, political committees that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports with the FEC electronically. Other committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

Registered & Certified Mail

Monthly Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Please note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Monthly Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for committees supporting only Senate candidates, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election. PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4.

These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate. For a chart of the 2008 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at www.fec.gov/info/charts_ie_dates_pres.shtml.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when filing a report under the committee's current schedule. All reports filed after providing such a notice of change in filing frequency must follow the new filing schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

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