

REPORTS ANALYSIS REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 24, 2009

ANALYST: Alexandra Broomhead

I. COMMITTEE: Democratic Party of Oregon
 C00188367
 Laura Calvo, Treasurer
 232 NE 9th Avenue
 Portland, OR 97232

II. RELEVANT STATUTES: 2 U.S.C. § 434(b)(2)
 11 CFR § 104.3(a)(2)

III. BACKGROUND:

Failure to Provide Supporting Schedules: Failure to Disclose All Financial Activity

The Democratic Party of Oregon (“the Committee”) amended its 2008 12 Day Pre-General Report to disclose additional receipts totaling \$244,262.78 (Attachment 2).

On October 24, 2008, the Committee filed the 2008 12 Day Pre-General Report covering the period from October 1 through October 15, 2008. The report disclosed \$66,475.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$103,316.55 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other than Political Committees), \$10,000.00 in receipts on Line 11(b) (Contributions from Political Party Committees), \$100,072.00 in receipts on Line 11(c) (Contributions from Other Political Committees) and \$130,426.00 in receipts on Line 12 (Transfers from Affiliated/Other Party Committees) of the Detailed Summary Page (Image 28993026717; Attachment 2).

On October 24, 2008 the Committee filed a Miscellaneous Electronic Submission (FEC FORM 99) which stated “We have been experiencing technical difficulties with our reporting software server which caused the Pre-General report to be filed three minutes late. We are doing our best to correct these problems” (Image 28993026975).

On November 25, 2008, the Committee filed an Amended 2008 12 Day Pre-General Report which disclosed \$38,224.00 in receipts on Line 11(a)(i), \$99,591.85 in receipts on

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Line 11(a)(ii), \$0.00 in receipts on Line 11(b), \$107,572.00 in receipts on Line 11(c) and \$409,164.48 in receipts on Line 12 of the Detailed Summary Page (Image 28993288344).

Subsequently, on January 31, 2009, the Committee filed an Amended 2008 12 Day Pre-General Report which disclosed receipts as previously amended on November 25, 2008 (Image 29932120445).

On April 15, 2009, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2008 12 Day Pre-General Report, received January 31, 2009. Among other discrepancies, the RFAI asked for clarification regarding the \$244,262.78 in additional receipts on Lines 11(c) and 12 of the Detailed Summary Page that were not disclosed on the Committee's original 2008 12 Day Pre-General Report (Image 29030071033).

On May 15, 2009, the Committee filed an additional Amended 2008 12 Day Pre-General Report. This report disclosed \$38,294.00 in receipts on Line 11(a)(i), \$99,521.85 in receipts on Line 11(a)(ii), \$0.00 in receipts on Line 11(b), \$107,572.00 in receipts on Line 11(c) and \$409,164.48 in receipts on Line 12 of the Detailed Summary Page (Image 29992107033; Attachment 2). In memo text attached to the report, the Committee stated, in part:

"As indicated in the Miscellaneous Filing filed 10/24/08 we were experiencing extreme technical problems. There was an internet problem with our software online access. Service kept being interrupted which caused both the duplication and loss of some transactions. When filing the original report we were forced to file an inaccurate report rather than not filing at all. We filed the amended report as soon as we could identify and resolve the issues. As internet problems persisted we wanted to be sure the amendment was accurate before filing the next report. We have identified contributors in our database with duplicate entries. We have merged the records and as a result the itemized and unitemized contributions have changed. Total contributions remain the same" (Image 29992107036).

On June 2, 2009, the Reports Analysis Division (RAD) Analyst called Laura Calvo, the Committee's treasurer, regarding the Amended 2008 12 Day Pre-General Report. The Analyst informed Ms. Calvo that the increase in receipts on the amended report could be referred for further Commission action. The Analyst explained that if there was any additional information the Committee wanted to place on the public record, they should submit it by Monday, June 8, 2009 (Attachment 3).

On June 5, 2009, the Committee filed an FEC FORM 99 referencing the Amended 2008 12 Day Pre-General Report, received November 25, 2008, which stated:

"This supplement is in reference to the Amended Pre-General report filed on 11/25/08. We want to give additional clarification regarding the increase in receipts reported on the amended report over those on the original report. Our reporting software is an internet based program and our data is not stored on an internal server, but rather on the server of the software developer.

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an internal server, but rather on the server of the software developer. Therefore, the committee accesses its compliance data via its Internet connection. During the days of report preparation we experienced a significant problem maintaining internet access required to access the remote server where our software is housed. We worked diligently to correct the problem and in the meantime spent exhaustive hours trying to input data. Repeated internet interruptions caused the loss of data and loss of time necessary to prepare an accurate report. The internet access problem persisted for many weeks which delayed the preparation of the amended report. Subsequent to the election cycle it was determined that there was a problem with our internet provider and not a problem with our equipment or that of our software provider” (Image 29933989989).

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

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