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**FEDERAL ELECTION COMMISSION**  
**999 E Street, N.W.**  
**Washington, D.C. 20463**

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

**RAD REFERRAL: 07L-27**  
**DATE OF REFERRAL: 8/9/07**  
**DATE ACTIVATED: 8/16/07**

**EXPIRATION OF SOL: 10/6/11**

**SOURCE:**

**INTERNALLY GENERATED**

**RESPONDENTS:**

**Committee to Elect Sekhon for Congress**  
**and Daljit Kaur Sekhon, in her official**  
**capacity as treasurer**

**RELEVANT STATUTES & REGULATION:**

**2 U.S.C. § 431(13)(A)**  
**2 U.S.C. § 434(b)**  
**11 C.F.R. § 100.12**  
**11 C.F.R. § 104.7(b)**

**INTERNAL REPORTS CHECKED:**

**Disclosure Reports**  
**RAD Referral Materials**

**FEDERAL AGENCIES CHECKED:**

**None**

**I. INTRODUCTION**

The Reports Analysis Division ("RAD") referred the Committee to Elect Sekhon and Daljit Kaur Sekhon, in her official capacity as treasurer, (the "Committee") for failing to provide name, employer and/or occupation information for 219 of 245 contributions from individuals (approximately 89%) disclosed in its 2006 October Quarterly Report, amended 2006 12-Day Pre-General Report, and amended 2006 30-Day Post-General Election Report, combined. In addition, the Committee failed to establish that it used best efforts to obtain that information. For the reasons set out below, we recommend that the Commission find reason to believe that the Committee to Elect Sekhon for Congress and Daljit Kaur Sekhon, in her official capacity as

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2007 NOV 27 P 4:14

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1 treasurer, violated 2 U.S.C. § 434(b) by failing to report adequate contributor information and  
2 failing to use best efforts to obtain that information.

3  
4 **II. DISCUSSION**

5 **A. Factual Summary**

6 The Committee, a political committee within the meaning of 2 U.S.C. § 431(4), was the  
7 principal campaign committee for Arjinderpal Singh Sekhon, a candidate for California's 2<sup>nd</sup>  
8 Congressional District seat in 2006. The first report filed by the Committee was the 2006  
9 October Quarterly Report. In that report, the Committee disclosed 10 contributions from  
10 individuals on Schedule A (Itemized Receipts), but failed to provide the occupation and/or name  
11 of the employer of the contributor for 2 of those 10 entries, or 20% of the contributions. In its  
12 next-filed report, the 2006 12-Day Pre-General Report, the Committee disclosed 155  
13 contributions from individuals on Schedule A, but failed to provide the occupation and/or name  
14 of the employer of the contributor for 154 of those entries, or 99% of the contributions. Finally,  
15 in its 2006 30-Day Post-General Election Report, the Committee disclosed 74 contributions from  
16 individuals on Schedule A, but failed to provide the occupation and/or name of the employer of  
17 the contributor for 74 of those entries, or 100% of the contributions. Of the 230 deficient  
18 contribution entries disclosed by the Committee, 228 listed "self" for both occupation and  
19 employer.

20 RAD sent the Committee separate Requests for Additional Information ("RFAs") for the  
21 12-Day Pre-General and the 30-Day Post-General Election Reports requesting that the  
22 Committee file amendments to include the missing contributor information from the respective  
23 report and/or a detailed description of its "best efforts" to obtain the information. In addition,

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1 RAD had multiple conversations with the Committee to explain why the information was  
2 inadequate and what the Committee needed to do rectify the problem. The Committee filed  
3 amendments to its 2006 12-Day Pre-General and 30-Day Post-General Election Reports,  
4 however, the Committee's amendments did not provide the missing information for any of the  
5 contributor entries contained in the original reports and the Committee did not provide any  
6 evidence that "best efforts" were used to obtain the missing information.<sup>1</sup>

7 RAD advised the Committee that its amendments did not provide the required "best  
8 efforts" information and again requested that the Committee provide additional information.  
9 However, to date, the Committee has not submitted any additional information.

#### 10 B. Legal Analysis

11 The Act requires candidate committees to identify persons who make contributions that,  
12 when aggregated, exceed \$200 for the election cycle. 2 U.S.C. § 434(b)(3)(A). The Act and the  
13 regulations define "identification" to include providing the person's name, address, occupation  
14 and name of employer. 2 U.S.C. § 431(13)(A); 11 C.F.R. § 100.12. If the contribution is not  
15 accompanied by all of the contributor information required to be reported, the committee must  
16 undertake "best efforts" to obtain the missing information. 11 C.F.R. § 104.7. Specifically, the  
17 committee treasurer must make at least one effort within 30 days of receipt of the contribution to  
18 obtain the missing information; the effort may be in writing or it may be an oral request,  
19 documented in writing; it may not include material on any other subject and may not solicit any  
20 contribution; and if in writing, it must clearly ask for the missing information and must be  
21 accompanied by a pre-addressed return post card or envelope for the response. 11 C.F.R.

<sup>1</sup> The two amendments collectively omitted thirteen previously reported contributions and added nineteen new contributions, two of which lacked adequate contributor information. The Committee did not file an amendment to its 2006 October Quarterly Report.

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§ 104.7(b)(2). Written requests for missing information by authorized committees, such as the Committee, must include language along the following lines:

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in an election cycle

or

To comply with Federal law, we must use best efforts to obtain, maintain, and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per election cycle.

11 C.F.R. § 104.7(b)(1).

In this matter, the Committee in its 2006 October Quarterly Report, amended 2006 12-Day Pre-General Report, and amended 2006 30-Day Post-General Election Report failed to provide contributors' name, employer and/or occupation information for 219 of 245 entries or approximately 89% of contributions from individuals, and failed to establish that it used best efforts to obtain that information. Furthermore, the Committee has provided no documentation substantiating its efforts to comply with the law. Accordingly, we recommend that the Commission find reason to believe the Committee to Elect Sekhon for Congress and Daljit Kaur Sekhon, in her official capacity as treasurer, violated the reporting requirements of 2 U.S.C. § 434(b).

**III. RECOMMENDATIONS**

1. Open a MUR;
2. Find reason to believe that the Committee to Elect Sekhon for Congress and Daljit Kaur Sekhon, in her official capacity as treasurer, violated 2 U.S.C. § 434(b);
3. Approve the attached Factual and Legal Analysis;
- 4.
- 5.
6. Approve the appropriate letter.

Thomasenia P. Duncan  
General Counsel

Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

11/27/07  
Date

BY: Thomas J. Andersen  
Thomas J. Andersen  
Acting Assistant General Counsel

Dominique Dillenseger  
Dominique Dillenseger  
Attorney

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