



FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 OCT -4 A 9: 47
September 30, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director ADR Office

SUBJECT: ADR 290 – MOVEON.ORG POLITICAL ACTION and Wes Boyd, Treasurer
Recommendation to Assign Case

SENSITIVE

On August 12, 2005, the ADR Office received from RAD 05L-47 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, ADR 290, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: RAD determined that MOVEON.ORG POLITICAL ACTION and Wes Boyd, Treasurer (the "Respondents") disclosed on an Amended 12 Day Pre-General Report Schedule B (Itemized Disbursements) earmarked contributions disbursed outside the authorized ten day period. The aforementioned Pre-General Report disclosed that Respondents forwarded earmarked contributions totaling \$401,784.84 on October 13, 2004. That Report disclosed 1048 earmarked contributions, totaling \$38,904.95, were received on October 1 and October 2, 2004 and subsequently forwarded to Federal candidates more than ten (10) days after initial receipt by Respondents. Respondents acknowledged, in reply to a RFAI sent on January 19, 2005, that some earmarked contributions received in early October were transferred outside the ten day window during which earmarked contributions are to be transferred to authorized committees. In addition, Respondents explained that the CFO, the person responsible for handling the transfer of earmarked contributions, was not present at the time the transfers were made.

Attached for the Commission's review is the *ADR Case Analysis Report* on ADR 290 along with a copy of the ADR Rating Sheet. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office (ADRO) anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case. If the Commission concurs in the recommendation to assign the matter to ADRO, the above case description will be provided to Respondents as part of ADRO's notification package sent to Respondents.

Recommendation:

1. Assign ADR 290/RAD 05L-47 to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 290

Respondents: MOVEON.ORG PAC
Wes Boyd, Treasurer

RAD: 05L-47

Respondents Rep: Wes Boyd

Case Opened: --

Committee Type: Unaffiliated

Date Forwarded to ADRO: 8-12-05

Committee Name: MOVEON.ORG PAC

Date Reviewed by ADRO: 8-26-05

Election Cycle: 2004

District #/or State: N/A

Election: N/A

Complainants: RAD Referral

Summary of Referral: RAD determined that Respondents disclosed on an Amended 12 Day Pre-General Report Schedule B (Itemized Disbursements) earmarked contributions disbursed outside the authorized ten day period. The aforementioned Pre-General Report disclosed that Respondents forwarded earmarked contributions totaling \$401,784.84 on October 13, 2004. That Report disclosed 1048 earmarked contributions, totaling \$38,904.95, were received on October 1 and October 2, 2004 and subsequently forwarded to Federal candidates more than ten (10) days after initial receipt by Respondents.

Respondents' Reply: Respondents acknowledged, in reply to a RFAI sent on January 19, 2005, that some earmarked contributions received in early October were transferred outside the ten day window during which earmarked contributions are to be transferred to authorized committees. In addition, Respondents explained that the CFO, the person responsible for handling the transfer of earmarked contributions, was not present at the time the transfers were made.

Analysis: Authorized committees that serve as conduits or intermediaries are obliged to forward any earmarked contributions to Federal candidates no later than ten (10) days after receipt.

Issue:

- Transfer of Earmarked Contributions, 2 U.S.C. § 432(b)(1) and 11 C.F.R. §§ 102.8(a) and (c), and 110.6(c)(1)(iii).

Recommendation: Assign to ADR

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